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WAR OF 1812.

WITH

GREAT BRITAIN.

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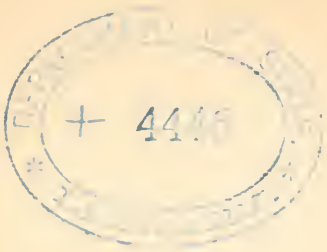

An Exposition
of the
Causes and Character
of the late War
with
Great Britain
from the
Philadelphia "Aurora"
March 17–21. 1815.

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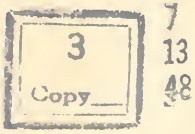

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PHILADELPHIA:

FRIDAY....MARCH 17, 1815.

AN EXPOSITION
OF THE
CAUSES AND CHARACTER OF THE LATE WAR WITH GREAT BRITAIN.

The extravagant pretensions of the British commissioners at Ghent, their assertion of a right to interfere with the territorial dominion established at the peace of 1783—their attempt to assert that the Indians residing on our soil were entitled to form alliances, and be treated as a civilized people, under the laws of civil society to which the Indian tribes are strangers—the attempt to cut off a section of our territory, under the pretext of a road between Canada and Nova Scotia, for which there would be no need in peace, and which would afford them an inroad upon us during war—their occupancy of part of Massachusetts unmolested by the state authority—their known designs on Orleans: all these and other facts known to the government of the U. States, left little prospect of a peace in the early part of the present year; it is believed that the government was apprized in the close of the last year, that peace could have been accomplished in August 1814, were it not for the *encouragement* which the British government received from three of the Eastern states to persevere in the war.—In these views, the executive had deter-

mined to make a full and final appeal *to the American people*, and by presenting at one view to the country the causes and progress of the war, shew the necessity of such mighty and efficient preparations for the campaign of this year, as would assure its successful and triumphant termination by the certain expulsion of the enemy from all his possessions on this continent. The measure proposed by the secretary of war for raising 100,000 men, was part of this plan of vigorous measures; and a Declaration or Exposition was prepared to go to the public; this able paper was ready for publication, when the advices of a peace being concluded were received—a copy of it has accidentally fallen into our hands, and we think we can do no better service than give it to the public, as the best means of repelling the ribaldry issued by those whose chagrin is excited to the greatest extravagance by the successful and glorious termination of the war.

AN EXPOSITION, &c.

Whatever may be the termination of the negociations at Ghent, the dispatches of the American commissioners, which have been communicated by the president of the United States to the congress, during the present session, will distinctly unfold, to the impartial of all nations, the objects and dispositions of the parties to the present war.

The United States, relieved by the general pacification of the treaty of Paris, from the danger of actual sufferance, under the evils which had compelled them to resort to arms, have avowed their readiness to resume the relations of peace and amity with Great Britain, upon the simple and single condition of preserving their territory and their sovereignty, entire and unimpaired. Their desire of peace, indeed, "upon terms of reciprocity, consistent with the rights of both parties, as sovereign and independent nations,"* has not, at any time, been influenced by the provocations of an unprecedented course of hostilities; by the incitements of a successful campaign; or by the agitations which have seemed again to threaten the tranquillity of Europe.

But the British government, after "a discussion with the government of America, for the conciliatory adjustment of the differences subsisting between the two states, with an earnest desire, on their part (as it was alleged) to bring them to a favorable issue, upon principles of a perfect reciprocity, not inconsistent with the established maxims of public law, and with the maritime rights of the British empire;"† and after "expressly disclaiming any intention to acquire an increase of territory,"‡ have peremptorily demanded, as the price of peace, concessions calculated merely for their own aggrandizement, and for the humiliation of their adversary. At one time, they proposed, as their *sine qua non*, a stipulation, that the Indians, inhabiting the country of the United States, within the limits established by the treaty of 1783, should be included as the allies of Great Britain (a party to that treaty) in the projected pacification; and that definite boundaries should be settled for the Indian territory, upon a basis, which would have operated to surrender, to a number of Indians, not, probably, exceeding a few thousands, the rights of sovereignty, as well as of soil, over nearly one-third of the territorial dominions of the United States, inhabited by more than one hundred thousand of its citizens.‖ And, more recently, (withdrawing, in effect, that proposition) they have offered to treat on the basis of the *uti possidetis;* when, by the operations of the war, they had obtained the military possession of an important part of the state of Massachusetts, which, it was known, could never be the subject of a cession, consistently with the honor and faith of the

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* See Mr. Monroe's letter to lord Castlereagh, dated January, 1814.

† See lord Castlereagh's letter, to Mr. Monroe, dated the 4th of November, 1813.

‡ See the American dispatch, dated the 12th of August, 1814.

‖ See the American dispatches, dated the 12th and 19th of August, 1814; the note of the British commissioners, dated the 19th of August, 1814; the note of the American commissioners, dated the 21st of August, 1814; the note of the British commissioners, dated the 4th of September, 1814; the note of the American commissioners of the 9th of Sept 1814; the note of the British commissioners, dated the 19th of Sept. 1814; the note of the American commissioners, dated the 26th of Sept 1814; the note of the British commissioners, dated the 8th of Oct. 1814; and the note of the American commissioners, of the 13th of Oct. 1814.

American government.* Thus, it is obvious, that Great Britain, neither regarding "the principles of a perfect reciprocity," nor the rule of her own practice and professions, has indulged pretensions, which could only be heard, in order to be rejected. The alternative, either vindictively to protract the war, or honorably to end it, has been fairly given to her option; but she wants the magnanimity to decide, while her apprehensions are awakened, for the result of the congress at Vienna, and her hopes are flattered, by the schemes of conquest in America.

There are periods in the transactions of every country, as well as in the life of every individual, when self-examination becomes a duty of the highest moral obligation; when the government of a free people, driven from the path of peace, and baffled in every effort to regain it, may resort, for consolation, to the conscious rectitude of its measures; and when an appeal to mankind, founded upon truth and justice, cannot fail to engage those sympathies, by which even nations are led to participate in the fame and fortunes of each other.—The United States, under these impressions, are neither insensible to the advantages, nor to the duties, of their peculiar situation. They have but recently, as it were, established their independence; and the volume of their national history lies open, at a glance, to every eye. The policy of their government, therefore, whatever it has been, in their foreign, as well as in their domestic relations, it is impossible to conceal; and it must be difficult to mistake. If the assertion, that it has been a policy to preserve peace and amity with all the nations of the world, be doubted, the proofs are at hand. If the assertion, that it has been a policy to maintain the rights of the United States, but, at the same time, to respect the rights of every other nation, be doubted, the proofs will be exhibited. If the assertion, that it has been a policy to act impartially towards the belligerent powers of Europe, be doubted, the proofs will be found on record, even in the archives of England and of France. And if, in fine, the assertion, that it has been a policy, by all honorable means, to cultivate with Great Britian, those sentiments of mutual good

* See the note of the British commissioners, dated the 21st of Oct. 1814; the note of the American commissioners, dated the 24th of Oct. 1814; and the note of the British commissioners, dated the 31st of Oct 1814.

will, which naturally belong to nations connected by the ties of a common ancestry, an identity of language, and a similarity of manners, be doubted, the proofs will be found in that patient forbearance, under the pressure of accumulating wrongs, which marks the period of almost thirty years, that elapsed between the peace of 1783 and the rupture of 1812.

The United States had just recovered, under the auspices of their present constitution, from the debility which their revolutionary struggle had produced, when the convulsive movements of France excited throughout the civilized world the mingled sensations of hope and fear—of admiration and alarm. The interest which those movements would, in themselves, have excited, was incalculably increased, however, as soon as Great Britain became a party to the first memorable coalition against France, and assumed the character of a belligerent power; for, it was obvious, that the distance of the scene would no longer exempt the United States from the influence, and the evils, of the European conflict. On the one hand, their government was connected with France, by treaties of alliance and commerce; and the services which that nation had rendered to the cause of American independence, had made such impressions upon the public mind, as no virtuous statesman could rigidly condemn, and the most rigorous statesman would have sought in vain to efface. On the other hand, Great Britain, leaving the treaty of 1783 unexecuted, forcibly retained the American posts upon the northern frontier; and, slighting every overture to place the diplomatic and commercial relations of the two countries, upon a fair and friendly foundation,† seemed to contemplate the success of the American revolution, in a spirit of unextinguishable animosity. Her voice had indeed, been heard from Quebec and Montreal, instigating the savages to war.‡ Her invisible arm was felt, in the defeats of general Harmer‖ and general St. Clair,§ and even the victory of general Wayne¶ was achieved in the presence of a fort which she had erected, far within the territorial boundaries of the United States, to stimulate and countenance the barbarities of the Indian

† See Mr. Adams' correspondence.
‡ See the speeches of lord Dorchester.
‖ On the waters of the Miami of the lake, on the 21st of October, 1790
§ At Fort Recovery, on the 4th of November, 179'.
¶ On the Miami of the lakes, in August, 1794.

warrior.** Yet, the American government, neither yielding to popular feeling, nor acting upon the impulse of national resentment, hastened to adopt the policy of a strict and steady neutrality; and solemnly announced that policy to the citizens at home, and to the nations abroad, by the proclamation of the 22d of April, 1793. —Whatever may have been the trials of its pride, and of its fortitude; whatever may have been the imputations upon its fidelity and its honor, it will be demonstrated in the sequel, that the American government, throughout the European contest, and amidst all the changes of the objects, and the parties, that have been involved in that contest, have inflexibly adhered to the principles which were thus, authoritatively, established, to regulate the conduct of the United States.

It was reasonable to expect that a proclamation of neutrality, issued under the circumstances which have been described, would command the confidence and respect of Great Britain however offensive it might prove to France, as contravening, essentially, the exposition which she was anxious to bestow on the treaties of commerce and alliance. But experience has shown, that the confidence and respect of Great Britain are not to be acquired, by such acts of impartiality and independence. Under every administration of the American government, the experiment has been made, and the experiment has been equally unsuccessful: for it was not more effectually ascertained in the year 1812, than at antecedent periods, that an exemption from the maritime usurpation, and the commercial monopoly, of Great Britain, could only be obtained upon the condition of becoming an associate, in her enmities and her wars. While the proclamation of neutrality was still in the view of the British minister, an order of the 8th of June, 1793, issued from the cabinet, by virtue of which, "all vessels loaded wholly, or in part, with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France," were required to be carried, forcibly, into England; and the cargoes were either to be sold

** See the correspondence between Mr. Randolph, the American secretary of state, and Mr. Hammond, the British plenipotentiary, dated May and June, 1794.

there, or security was to be given, that they should only be sold in the ports of a country, in unity with his Britannic majesty.* The moral character of an avowed design, to inflict famine upon the whole of the French people, was, at that time, properly estimated throughout the civilized world; and so glaring an infraction of neutral rights, as the British order was calculated to produce, did not escape the severities of diplomatic animadversion and remonstrance.

But this aggression was soon followed by another of a more hostile cast. In the war of 1756, Great Britain had endeavored to establish the rule, that neutral nations were not entitled to enjoy the benefits of a trade with the colonies of a belligerent power, from which, in the season of peace, they were excluded by the parent state.—The rule stands without positive support from any general authority on public law. If it be true, that some treaties contain stipulations, by which the parties expressly exclude each other from the commerce of their respective colonies: and if it be true, that the ordinances of a particular state, often provide for the exclusive enjoyment of its colonial commerce; still Great Britain cannot be authorized to deduce the rule of the war of 1756, by implication, from such treaties and such ordinances, while it is not true, that the rule forms a part of the law of nations; nor that it has been adopted by any other government; nor that even Great Britain herself has uniformly practised upon the rule; since its application was unknown from the war of 1756, until the French war of 1792, including the entire period of the American war. Let it be, argumentatively, allowed, however, that Great Britain possessed the right, as well as the power, to revive and enforce the rule; yet, the time and the manner of exercising the power, would afford ample cause for reproach. The citizens of the United States had openly engaged in an extensive trade with the French islands, in the West Indies, ignorant of the alleged existence of the rule of the war of 1756, or unapprised of any intention to call it into action, when the order of the 6th of November, 1793, was silently

* See the order in council of the 8th of June, 1793, and the remonstrance of the American government.

circulated among the British cruizers, consigning to legal adjudication, "all vessels loaden with goods, the produce of any colony of France, or carrying provisions or supplies, for the use of any such colony."† A great portion of the commerce of the United States was thus annihilated at a blow; the amicable dispositions of the government were again disregarded and contemned; the sensibility of the nation was excited to a high degree of resentment, by the apparent treachery of the British order; and a recourse to reprisals, or to war, for indemnity and redress, seemed to be unavoidable. But the love of justice had established the law of neutrality; and the love of peace taught a lesson of forbearance. The American government, therefore, rising superior to the provocations and the passions of the day, instituted a special mission, to represent at the court of London, the injuries and the indignities which it had suffered; "to vindicate its rights with firmness, and to cultivate peace with sincerity."‡ The immediate result of this mission, was a treaty of amity, commerce, and navigation, between the United States and Great Britain, which was signed by the negociators on the 19th of November, 1794, and, finally ratified, with the consent of the senate, in the year 1795: But both the mission and its result, serve, also, to display the independence and the impartiality of the American government, in asserting its rights and performing its duties, equally unawed and unbiassed by the instruments of belligerent power, or persuasion.

On the foundation of this treaty the U. States, in a pure spirit of good faith and confidence, raised the hope and the expectation, that the maritime usurpations of Great Britain would cease to annoy them; that all doubtful claims of jurisdiction would be suspended; and that even the exercise of an incontestible right would be so modified, as to present neither insult, nor outrage, nor inconvenience, to their flag, or to their commerce. But the hope and the expectation of the United States have been fatally disappointed.—Some relaxation in the rigor, without any alteration in the principle, of the order in council of

† See the British order of the 6th of November, 1793.

‡ See the president's message to the senate, of the 16th of April, 1794, nominating Mr Jay as envoy extraordinary to his Britannic majesty.

the 6th of November, 1793, was introduced by the subsequent orders of the 8th of January, 1794, and the 25th of January, 1798: but from the ratification of the treaty of 1794, until the short respite afforded by the treaty of Amiens, in 1802, the commerce of the United States continued to be the prey of British cruizers and privateers, under the adjudicating patronage of the British tribunals. Another grievance, however, assumed at this epoch, a form and magnitude, which cast a shade over the social happiness, as well as the political independence of the nation. The merchant vessels of the United States were arrested on the high seas, while in the prosecution of distant voyages; considerable numbers of their crews were impressed into the naval service of Great Britain; the commercial adventures of the owners were often, consequently, defeated; and the loss of property, the embarrassments of trade and navigation, and the scene of domestic affliction, became intolerable. This grievance (which constitutes an important surviving cause of the American declaration of war) was early, and has been incessantly, urged upon the attention of the British government.—Even in the year 1792, they were told of "the irritation that it had excited; and of the difficulty of avoiding to make immediate reprisals on their seamen in the United States."‖ They were told "that so many instances of the kind had happened, that it was quite necessary that they should explain themselves on the subject, and be led to disavow and punish such violence, which had never been experienced from any other nation."§ And they were told "of the inconvenience of such conduct, and of the impossibility of letting it go on, so that the British ministry should be made sensible of the necessity of punishing the past, and preventing the future."¶—But after the treaty of amity, commerce, and navigation, had been ratified, the nature and the extent of the grievance became still more manifest; and it was clearly and firmly presented to the view of the British government, as leading unavoidably to discord and war between the two nations. They were told, "that unless they would come to some accommodation which might

‖ See the letter of Mr. Jefferson, secretary of state, to Mr. Pinkney, minister at London, dated 11th of June, 1792.

§ See the letter from the same to the same, dated the 12th of Oct. 1792.

¶ See the letter from the same to the same, dated the 6th Nov. 1792.

ensure the American seamen against this oppression, measures should be taken to cause the inconvenience to be equally felt on both sides."* They were told, "that the impressment of American citizens, to serve on board of British armed vessels, was not only an injury to the unfortunate individuals, but it naturally excited certain emotions in the breasts of the nation to whom they belong, and of the just and humane of every country; and that an expectation was indulged that orders would be given, that the Americans so circumstanced should be immediately liberated, and that the British officers should, in future, abstain from similar violences."† They were told, "that the subject was of much greater importance than had been supposed; and that, instead of a few, and those in many instances equivocal cases, the American minister at the court of London had, in nine months (part of the years 1796 and 1797) made applications for the discharge of two hundred and seventy-one seamen, who had, in most cases, exhibited such evidence, as to satisfy him that they were real Americans, forced into the British service, and persevering, generally, in refusing pay and bounty."‡ They were told, "that if the British government had any regard to the rights of the U. States, any respect for the nation, and placed any value on their friendship, it would facilitate the means of relieving their oppressed citizens."‖— They were told, "that the British naval officers often impressed Swedes, Danes, and other foreigners, from the vessels of the United States; that they might, with as much reason, rob American vessels of the property or merchandise of Swedes, Danes, and Portuguese, as seize and detain in their service, the subjects of those nations found on board of American vessels; and that the president was extremely anxious to have this business of impressing placed on a reasonable footing."§ And they were told, "that the impressment of American seamen was an injury of

* See the letter from Mr Pinkney, minister at London, to the secretary of state, dated 13th March, 1795.

† See the note of Mr. Jay, envoy extraordinary, to lord Grenville, dated the 30th July, 1794.

‡ See the letter of Mr. King, minister at London, to the secretary of state, dated the 13th of April, 1797.

‖ See the letter from Mr Pickering, secretary of state, to Mr King, minister at London, dated the 10th of September, 1796.

§ See the letter from the same to the same, dated the 26th of October, 1796.

very serious magnitude, which deeply affected the feelings and honor of the nation; that no right had been asserted to impress the natives of America; yet, that they were impressed; they were dragged on board British ships of war, with the evidence of citizenship in their hands, and forced by violence there to serve, until conclusive testimonials of their birth could be obtained; that many must perish unrelieved, and all were detained a considerable time, in lawless and injurious confinement; that the continuance of the practice must inevitably produce discord between two nations, which ought to be the friends of each other; and that it was more advisable to desist from, and to take effectual measures to prevent, an acknowledged wrong, than by perseverance in that wrong, to excite against themselves the well-founded resentments of America, and force the government into measures, which may very possibly terminate in an open rupture."¶

Such were the feelings and the sentiments of the American government, under every change of its administration, in relation to the British practice of impressment; and such the remonstrances addressed to the justice of Great Britain. It is obvious, therefore, that this cause, independent of every other, has been uniformly deemed a just and certain cause of war; yet, the characteristic policy of the United States still prevailed: remonstrance was only succeeded by negociation; and every assertion of American rights, was accompanied with an overture, to secure, in any practicable form, the rights of Great Britain.** Time, seemed, however, to render it more and more difficult to ascertain and fix the standard of the British rights, according to the succession of the British claims. The right of entering and searching an American merchant ship, for the purpose of impressment, was, for a while, confined to the case of British deserters; and even so late as the month of February, 1800, the minister of his Britannic majesty, then at Philadelphia, urged the American government,

¶ See the letter from Mr. Marshall, secretary of state, (now chief justice of the United States,) to Mr. King, minister at London, dated the 20th of September, 1800.

** See particularly, Mr. King's propositions to lord Grenville, and lord Hawkesbury, of the 13th April, 1797, the 15th of March, 1799, the 25th of February, 1801, and in July, 1813.

" to take into consideration, as the only means of drying up every source of complaint, and irritation, upon that head, a proposal which he had made two years before, in the name of his majesty's government, for the reciprocal restitution of deserters."†† But this project of a treaty was then deemed inadmissible, by the president of the United States, and the chief officers of the executive departments of the government, whom he consulted, for the same reason, specifically, which, at a subsequent period, induced the president of the United States, to withhold his approbation from the treaty negociated by the American ministers at London, in the year 1806; namely: " that it did not sufficiently provide against the impressment of American seamen;"‡‡ and " that it is better to have no article, and to meet the consequences, than not to enumerate merchant vessels on the high seas, among the things not to be forcibly entered in search of deserters."‖‖ But the British claim, expanding with singular elasticity, was soon found to include a right to enter American vessels on the high seas, in order to search for and seize all British seamen; it next embraced the case of every British subject; and finally, in its practical enforcement, it has been extended to every mariner, who could not prove, upon the spot, that he was a citizen of the United States.

While the nature of the British claim was thus ambiguous and fluctuating, the principle to which it was referred, for justification and support, appeared to be, at once, arbitrary and illusory. It was not recorded in any positive code of the law of nations; it was not displayed in the elementary works of the civilian; nor had it ever been exemplified in the maritime usages of any other country, in any other age. In truth, it was the offspring of the municipal law of G. Britain alone; equally operative in a time of peace, and in a time of war; and, under all circumstances, inflicting a coercive jurisdiction, upon the commerce and navigation of the world.

†† See Mr. Liston's note to Mr. Pickering, the secretary of state, dated the 4th of February, 1800.

‡‡ See the opinion of Mr. Pickering, secretary of state, enclosing the plan of a treaty, dated the 3d of May, 1800, and the opinion of Mr. Wolcott, secretary of the treasury, dated the 14th of April, 1800

‖‖ See the opinion of Mr. Stoddert, secretary of the navy, dated the 23d of April, 1800, and the opinions of Mr. Lee, attorney general, dated the 26th of February, and the 30th of April, 1800.

For the legitimate rights of the belligerent powers, the United States had felt and evinced a sincere and open respect. Although they had marked a diversity of doctrine among the most celebrated jurists, upon many of the litigated points of the law of war; although they had formerly espoused, with the example of the most powerful government of Europe, the principles of the armed neutrality, which were established in the year 1780, upon the basis of the memorable declaration of the empress of all the Russias; and although the principles of that declaration have been incorporated into all their public treaties, except in the instance of the treaty of 1794: yet, the United States, still faithful to the pacific and impartial policy which they professed, did not hesitate, even at the commencement of the French revolutionary war, to accept and allow the exposition of the law of nations, as it was then maintained by Great Britain; and, consequently, to admit, upon a much contested point, that the property of her enemy, in their vessels, might be lawfully captured as prize of war.* It was, also, freely admitted, that a belligerent power had a right with proper cautions, to enter and search American vessels, for the goods of an enemy, and for articles contraband of war; that, if upon a search such goods r articles were found, or if, in the course of the search, persons in the military service of the enemy were discovered, a belligerent had a right of transhipment and removal; that a belligerent had a right, in doubtful cases, to carry American vessels to a convenient station, for further examination; and that a belligerent had a right to exclude American vessels from ports and places, under the blockade of an adequate naval force.—These rights the law of nations might, reasonably, be deemed to sanction; nor has a fair exercise of the powers necessary for the enjoyment of these rights, been, at any time, controverted, or opposed, by the American government.

But, it must be again remarked, that the claim of Great Britain was not to be satisfied, by the most ample and explicit recognition of the law of war; for, the law of war treats only of the re-

* See the correspondence of the year 1792 between Mr. Jefferson, secretary of state, and the ministers of Great Britain and France. See also Mr Jefferson's letter to the American minister at Paris, of the same year, requesting the recall of Mr. Genet.

lations of a belligerent to his enemy, while the claim of Great Britain embraced, also, the relations between a sovereign and his subjects. It was said, that every British subject was bound by a tie of allegiance to his sovereign, which no lapse of time, no change of place, no exigency of life, co ld possibly weaken, or dissolve. It was said, that the British sovereign was entitled, at all periods, and on all occasions, to the services of his subjects. And it was said, that the British vessels of war upon the high seas, might lawfully and forcibly enter the merchant vessels of every other nation (for the theory of these pretensions is not limited to the case of the United States, although that case has been, almost exclusively, affected by their practical operation) for the purpose of discovering and impressing British subjects.† The United States presume not to discuss the forms, or the principles, of the governments established in other countries. Enjoying the right and the blessing of self-government, they leave, implicitly, to every foreign nation, the choice of its social and political institutions. But, whatever may be the form, or the principle, of government, it is an universal axiom of public law, among sovereign and independent states, that every nation is bound so to use and enjoy its own rights, as not to injure, or destroy, the rights of any other nation. Say then, that the tie of allegiance cannot be severed, or relaxed, as respects the sovereign and the subject; and say, that the sovereign is, at all times, entitled to the services of the subject; still, there is nothing gained, in support of the British claim, unless it can, also, be said, that the British sovereign has a right to seek and seize his subject, while actually within the dominion, or under the special protection, of another sovereign state. This will not, surely, be denominated a process of the law of nations, for the purpose of enforcing the rights of war; and if it shall be tolerated as a process of the municipal law of Great Britain, for the purpose of enforcing the right of the sovereign to the service of his subjects, there is no principle of discrimination, which can prevent its being employed in peace, or in war, with all the attendant abuses of force and fraud, to justify the seizure of British subjects for crimes, or for debts; and the seizure of

† See the British declaration of the 10th of January, 1813.

British property, for any cause that shall be arbitrarily assigned. The introduction of these degrading novelties, into the maritime code of nations, it has been the arduous task of the American government, in the onset, to oppose; and it rests with all other governments to decide, how far their honor and their interests must be eventually implicated, by a tacit acquiescence, in the successive usurpations of the British flag. If the right claimed by Great Britain be, indeed, common to all governments, the ocean will exhibit, in addition to its many other perils, a scene of everlasting strife and contention: but what other government has ever claimed or exercised the right? If the right shall be exclusively established as a trophy of the naval superiority of Great Britain, the ocean, which has been sometimes emphatically denominated, "the high way of nations," will be identified, in occupancy and use, with the dominions of the British crown; and every other nation must enjoy the liberty of passage, upon the payment of a tribute or the indulgence of a licence: but what nation is prepared for this sacrifice of its honor and its interests? And if, after all, the right be now asserted (as experience too plainly indicates) for the purpose of imposing upon the United States, to accommodate the British maritime policy, a new and odious limitation of the sovereignty and independence, which were acquired by the glorious revolution of 1776, it is not for the American government to calculate the duration of a war, that shall be waged, in resistance of the active attempts of Great Britain, to accomplish her project: for, where is the American citizen, who would tolerate a day's submission, to the vassalage of such a condition?

But the American government has seen, with some surprize, the gloss, which the prince regent of Great Britain, in his declaration of the 10th of January, 1813, has condescended to bestow upon the British claim of a right to impress men, on board of the merchant vessels of other nations; and the retort, which he has ventured to make, upon the conduct of the United States, relative to the controverted doctrines of expatriation. The American government, like every other civilized government, avows the principle, and in-

dulges the practice, of naturalizing foreigners. In Great Britain, and throughout the continent of Europe, the laws and regulations upon the subject, are not materially dissimilar, when compared with the laws and regulations of the United States. The effect, however, of such naturalization, upon the connexion, which previously subsisted, between the naturalized person, and the government of the country of his birth, has been differently considered, at different times, and in different places. Still, there are many respects, in which a diversity of opinion does not exist, and cannot arise. It is agreed, on all hands, that an act of naturalization is not a violation of the law of nations; and that, in particular, it is not in itself, an offence against the government, whose subject is naturalized. It is agreed, that an act of naturalization creates, between the parties, the reciprocal obligations of allegiance and protection. It is agreed, that while a naturalized citizen continues within the territory and jurisdiction of his adoptive government, he cannot be pursued, or seized, or restrained, by his former sovereign. It is agreed, that a naturalized citizen, whatever may be thought of the claims of the sovereign of his native country, cannot lawfully be withdrawn from the obligations of his contract of naturalization, by the force or the seduction, of a third power. And it is agreed, that no sovereign can lawfully interfere, to take from the service, or the employment, of another sovereign, persons who are not the subjects of either of the sovereigns engaged in the transaction. Beyond the principles of these accorded propositions, what have the United States done to justify the imputation of "harboring British seamen, and of exercising an assumed right, to transfer the allegiance of British subjects?"* The United States have, indeed, insisted upon the right of navigating the ocean in peace and safety, protecting all that is covered by their flag, as on a place of equal and common jurisdiction to all nations; save where the law of war interposes the exceptions of visitation, search, and capture: but, in doing this, they have done no wrong. The United States, in perfect consistency, it is believed,

with the practice of all belligerent nations, not even excepting Great Britain herself, have, indeed, announced a determination, since the declaration of hostilities, to afford protection, as well to the naturalized, as to the native citizen, who, giving the strongest proofs of fidelity, should be taken in arms by the enemy; and the British cabinet, well know that this determination could have no influence upon those councils of their sovereign, which preceded and produced the war. It was not, then, to "harbor British seamen," nor to "transfer the allegiance of British subjects;" nor to 'cancel the jurisdiction of their legitimate sovereign;" nor to 'vindicate "the pretension that acts of naturalization, and certificates of citizenship, were as valid out of their own territory, as within it;"† that the United States have asserted the honor and the privilege of their flag, by the force of reason and of arms. But it was to resist a systematic scheme of maritime aggrandizement, which, prescribing to every other nation the limits of a territorial boundary, claimed for Great Britain the exclusive dominion of the seas; and which, spurning the settled principles of the law of war, condemned the ships and mariners of the United States, to suffer, upon the high seas, and virtually within the jurisdiction of their flag, the most rigorous dispensations of the British municipal code, inflicted by the coarse and licentious hand of a British press gang.

The injustice of the British claim, and the cruelty of the British practice, have tested, for a series of years, the pride and the patience of the American government: but, still, every experiment was anxiously made, to avoid the last resort of nations. The claim of Great Britain, in its theory, was limited to the right of seeking and impressing its own subjects, on board of the merchant vessels of the United States, although in fatal experience, it has been extended (as already appears) to the seizure of the subjects of every other power, sailing under a voluntary contract with the American merchant; to the seizure of the naturalized citizens of the United States, sailing, also, under voluntary contracts, which every foreigner, independent of any act of naturalization, is at liberty to form in every

* See the British declaration of the 10th of January, 1813.
† See the passages in the British declaration, of the 10th of January, 1813.

country; and even to the seizure of the native citizens of the United States, sailing on board the ships of their own nation, in the prosecution of a lawful commerce. The excuse for what has been unfeelingly termed, "partial mistakes, and occasional abuse,"‡ when the right of impressment was practised towards vessels of the United States, is, in the words of the prince regent's declaration, "a similarity of language and manners:" but was it not known, when this excuse was offered to the world, that the Russian, the Swede, the Dane, and the German; that the Frenchman, the Spaniard, and the Portuguese; nay, that the African and the Asiatic; between whom and the people of Great Britain there exists no similarity of language, manners, or complexion; had been, equally with the American citizen and the British subject, the victims of the impress tyranny.‖ If, however, the excuse be sincere, if the real object of the impressment be merely to secure to Great Britain, the naval services of her own subjects, and not to man her fleets, in every pracicable mode of enlistment, by right, or by wrong; and if a just and generous government, professing mutual friendship and respect, may be presumed to prefer the accomplishment even of a legitimate purpose, by means the least afflicting and injurious to others, why have the overtures of the United States, offering other means as effectual as impressment, for the purpose avowed, to the consideration and acceptance of Great Britain, been forever eluded or rejected? It has been offered, that the number of men to be protected by an American vessel, should be limited by her tonnage; that British officers should be permitted, in British ports, to enter the vessel, in order to ascertain the number of men on board; and that, in case of an addition to her crew, the British subjects enlisted should be liable to impressment.§ It was offered in the solemn form of a law, that the American seamen should be registered; that they should be provided with certificates of citizenship¶ and that the roll of the crew of every vessel should

‡ See the British declaration of the 10th of January, 1813.

‖ See the letter of Mr. Pickering, secretary of state, to Mr. King, minister at London, of the 26th of October, 1796; and the letter of Mr. Marshall, secretary of state, to Mr. King, of the 20th of September, 1800.

§ See the letter of Mr. Jefferson, secretary of state, to Mr. Pinkney, minister at London, dated the 11th of June, 1792 and the letter of Mr Pickering, secretary of state, to Mr. King, minister at London, dated the 8th of June, 1796.

¶ See the act of congress, passed the 28th of May, 1796.

be formally authenticated.* It was offered, that no refuge or protection should be given to deserters; but, that, on the contrary, they should be surrendered.† It was "again and again offered to concur in a convention, which it was thought practicable to be formed, and which should settle the question of impressment, in a manner that would be safe for England, and satisfactory to the United States.‡ It was offered, that each party should prohibit its citizens or subjects, from clandestinely concealing or carrying away, from the territories or colonies of the other, any seamen belonging to the other party.‖ And, conclusively, it has been offered and declared by law, that "after the termination of the present war, it should not be lawful to employ on board of any of the public or private vessels of the United States, any persons except citizens of the United States; and that no foreigner should be admitted to become a citizen hereafter, who had not for the continued term of five years, resided within the United States, without being, at any time, during the five years, out of the territory of the United States."§

It is manifest then, that such provision might be made by law; and that such provision has been repeatedly and urgently proposed; as would, in all future times, exclude from the maritime service of the United States, both in public and in private vessels, every person, who could, possibly, be claimed by Great Britain, as a native subject, whether he had, or had not, been naturalized in America.¶ Enforced by the same sanctions and securities, which are employed to enforce the penal code of Great Britain, as well as the penal code of the United States, the provision would afford the strongest evidence, that no British subject could be found in service on

* See the letter of Mr. Pickering, secretary of state, to Mr. King minister at London, dated the 8th of June, 1796.

† See the project of a treaty on the subject, between Mr. Pickering, secretary of state, and Mr Liston, the British minister, at Philadelphia, in the year 1800

‡ See the letter of Mr. King, minister at London, to the secretary of state, dated the 15th of March, 1799.

‖ See the letter of Mr. King, to the secretary of state, dated in July, 1803.

§ See the act of congress, passed on the 3d of March, 1813.

¶ See the letter of instructions from Mr. Monroe, secretary of state, to the plenipotentiaries for treating of peace with G. Britain, under the mediation of the emperor Alexander, dated the 5th of April, 1813.

board of an American vessel; and, consequently, whatever might be the British right of impressment, in the abstract, there would remain no justifiable motive, there could hardly be invented a plausible pretext, to exercise it, at the expense of the American right of lawful commerce. If, too, as it has sometimes been insinuated, there would, nevertheless, be room for frauds and evasions, it is sufficient to observe, that the American government would always be ready to hear, and to redress, every just complaint: or, if redress were sought and refused, (a preliminary course, that ought never to have been omitted, but which Great Britain has never pursued,) it would still be in the power of the British government to resort to its own force, by acts equivalent to war, for the reparation of its wrongs.—But Great Britain has, unhappily, perceived in the accceptance of the overtures of the American government, consequences injurious to her maritime policy; and, therefore, withholds it at the expence of her justice. She perceives, perhaps, a loss of the American nursery for her seamen, while she is at peace; a loss of the service of American crews, while she is at war; and a loss of many of those opportunities, which have enabled her to enrich her navy, by the spoils of the American commerce, without exposing her own commerce to the risk of retaliation or reprisals.

Thus, were the United States, in a season of reputed peace, involved in the evils of a state of war; and thus, was the American flag annoyed by a nation still professing to cherish the sentiments of mutual friendship and respect, which had been recently vouched, by the faith of a solemn treaty. But the American government even yet abstained from vindicating its rights, and from avenging its wrongs, by an appeal to arms. It was not an insensibility to those wrongs; nor a dread of British power; nor a subserviency to British interests, that prevailed, at that period, in the councils of the United States: but, under all trials, the American government abstained from the appeal to arms then, as it has repeatedly since done, in its collisions with France, as well as with Great Britain, from the purest love of peace, while peace could be rendered compatible with the honor and independence of the nation.

(TO BE CONTINUED.)

AN EXPOSITION

OF THE

CAUSES AND CHARACTER OF THE LATE WAR WITH GREAT BRITAIN.

(CONTINUED.)

During the period which has hitherto been more particularly contemplated (from the declaration of hostilities between Great Britain and France in the year 1792, until the short-lived pacification of the treaty of Amiens in 1802) there were not wanting occasions, to test the consistency and the impartiality of the American government, by a comparison of its conduct towards Great Britain, with its conduct towards other nations. The manifestations of the extreme jealousy of the French government, and of the intemperate zeal of its ministers near the United States, were co-eval with the proclamation of neutrality; but after the ratification of the treaty of London, the scene of violence, spoliation, and contumely, opened by France, upon the U. States, became such, as to admit, perhaps, of no parallel, except in the cotemporaneous scenes which were exhibited by the injustice of her great competitor. The American government acted, in both cases, on the same pacific policy; in the same spirit of patience and forbearance; but with the same determination also, to assert the honor and independence of the nation. When, therefore, every conciliatory effort had failed, and when two successive missions of peace had been contemptuously repulsed, the American government, in the year 1798, annulled its treaties with France, and waged a maritime war against that nation, for the defence of its citizens and of its commerce, passing on the high seas.—But as soon as the hope was conceived, of a satisfactory change in the dispositions of the French government, the American government hastened to send another mission to France;—and a convention, signed in the year 1800, terminated the subsisting differences between the two countries.

Nor were the United States able, during the same period, to avoid a collision with the government of Spain, upon many important and critical questions of boundary and commerce: of Indian warfare, and maritime spoliation. Preserving, however their system of moderation, in the assertion of their rights, a course of amicable discussion and explanation, produced mutual satisfaction; and a treaty of friendship, limits, and navigation was formed in the year 1795, by which the citizens of the United States acquired a right, for the space of three years, to deposit their merchandises and effects in the port of New Orleans; with a promise, either that the enjoyment of that right should be indefinitely continued, or that another part of the banks of the Mississippi should be assigned for an equivalent establishment. But, when, in the year 1802, the port of New Orleans was abruptly closed against the citizens of the United States, without an assignment of any other equivalent place of deposite, the harmony of the two countries was again most seriously endangered; until the Spanish government, yielding to the remonstrances of the United States, disavowed the act of the intendant of New Orleans, and ordered the right of deposite to be reinstated, on the terms of the treaty of 1795.

The effects produced, even by a temporary suspension of the right of deposite at New Orleans, upon the interests and feelings of the nation, naturally suggested to the American government, the expediency of guarding against the recurrence, by the acquisition of a permanent [illegible] in the province of Louisiana. The minister of the United States, at Madrid, was, accordingly, instructed to apply to the government of Spain upon the subject; and, on the 4th of May, 1803, he received an answer, stating, that by a retrocession made to France, of Louisiana, that power regained the province, with the rights it had, and not the rights acquired by other powers; and that the United States could ad-

dress themselves to the French government, to negociate the acquisition of territories, which might suit their interest."* But before this reference, official information of the same fact had been received by Mr. Pinkney from the court of Spain, in the month of March preceding; and the American government, having instituted a special mission to negociate the purchase of Louisiana from France, or from Spain, whichever should be its sovereign, the purchase was, accordingly, accomplished for a valuable consideration (that was punctually paid) by the treaty concluded at Paris on the 30th of April, 1803.

The American government has not seen, without some sensibility, that a transaction, accompanied by such circumstances of general publicity, and of scrupulous good faith, has been denounced by the prince regent, in his declaration of the 10th of January, 1813, as a proof of the "ungenerous conduct" of the United States towards Spain.† In amplification of the royal charge, the British negociators at Ghent, have presumed to impute "the acquisition of Louisiana, by the United States, to a spirit of aggrandizement, not necessary to their own security;" and to maintain "that the purchase was made against the known conditions, on which it had been ceded by Spain to France;"‡ that "in the face of the protestation of the minister of his catholic majesty at Washington, the president of the U. States ratified the treaty of purchase;"‖ and that "there was good reason to believe, that many circumstances attending the transaction were industriously concealed."§ The American government cannot condescend to retort aspersions so unjust, in language so opprobrious; and pe-

* See the letter from Don Pedro Cevallos, the minister of Spain, to Mr. C. Pinkney, the minister of the United States, dated the 4th of May, 1803, from which the passage cited is literally translated.

† See the prince regent's declaration of the 10th of January, 1813.

‡ See the note of the British commissioners, dated the 4th of September 1814.

‖ See the note of the British commissioners, dated the 19th of September, 1814.

§ See the note of the British commissioners, dated the 8th of October, 1814.

remptorily rejects the pretension of Great Britain, to interfere in the business of the United States and Spain: but it owes, nevertheless, to the claims of truth, a distinct statement of the facts which have been thus misrepresented. When the special mission was appointed to negociate the purchase of Louisiana from France, in the manner already mentioned, the American minister at London, was instructed to explain the object of the mission; and having made the explanation, he was assured by the British government, "that the communication was received in good part; no doubt was suggested of the right of the United States to pursue, separately and alone, the objects they aimed at; but the British government appeared to be satisfied with the president's views, on this important subject."* As soon, too, as the treaty of purchase was concluded, before hostilities were again actually commenced between Great Britain and France, and previously, indeed, to the departure of the French ambassador from London, the American minister openly notified to the British government, that a treaty had been signed, "by which the complete sovereignty of the town and territory of New Orleans, as well as of all Louisiana, as the same was heretofore possessed by Spain, had been acquired by the United States of America; and that in drawing up the treaty, care had been taken so to frame the same, as not to infringe any right of Great Britain, in the navigation of the river Mississippi."† In the answer of the British government, it was explicitly declared by lord Hawkesbury, "that he had received his majesty's commands to express the pleasure with which his majesty had received the intelligence; and to add, that his majesty regarded the care, which had been taken so to frame the treaty as not to infringe any right of Great Britain in the navigation of the Mississippi, as the most satisfactory evidence of a disposition on the part of the government of the United States, correspondent with that which his majesty entertained, to promote and improve that harmony, which so happily subsisted between the two countries, and which was so conducive to their mutual benefit."† The world will judge, whether, under such circumstances, the British government had any cause, on its own account, to arraign the conduct of the United States, in making the purchase of Louisiana; and, cer-

tainly, no greater cause will be found for the arraignment, on account of Spain. The Spanish government was apprized of the intention of the United States to negociate for the purchase of that province; its ambassador witnessed the progress of the negociation at Paris; and the conclusion of the treaty, on the 30th of April, 1803, was promptly known and understood at Madrid. Yet, the Spanish government interposed no objection, no protestation, against the transaction, in Europe; and it was not until the month of September, 1803, that the American government heard, with surprize, from the minister of Spain, at Washington, that his catholic majesty was dissatisfied with the cession of Louisiana to the United States. Notwithstanding this diplomatic remonstrance, however, the Spanish government proceeded to deliver the possession of Louisiana to France, in execution of the treaty of St. Ildefonso; saw France, by an almost simultaneous act, transfer the possession to the United States, in execution of the treaty of purchase; and, finally, instructed the marquis de Casa Yrujo, to present to the American government, the declaration of the 15th of May, 1804, acting "by the special order of his sovereign," "that the explanations, which the government of France had given to his catholic majesty, concerning the sale of Louisiana to the United States, and the amicable dispositions, on the part of the king, his master, towards these states, had determined him to abandon the opposition, which, at a prior period, and with the most substantial motives, he had manifested against the transaction."‖

But after this amicable and decisive arrangement of all differences, in relation to the validity of the Louisiana purchase, a question of some embarrassment remained, in relation to the boundaries of the ceded territory. This question, however, the American government always has been, and always will be, willing to discuss, in the most candid manner, and to settle upon the most liberal basis, with the government of Spain. It was not, therefore, a fair topic, with which to inflame the prince regent's declaration; or to embellish the diplomatic notes of the British negociators at Ghent.§ The period has arrived,

* See the letter from the secretary of state, to Mr. King, the American minister at London, dated the 29th of January, 803; and Mr. King's letter to the secretary of state, dated the 28th of April, 1803.

† See the letter of Mr. King, to lord Hawkesbury, dated the 15th of May, 1803.

‡ See the letter of lord Hawkesbury, to Mr. King, dated the 19th of May, 1803.

‖ See the letter of the marquis de Casa Yrujo, to the American secretary of state dated the 15th of May, 1804.

§ See the prince regent's declaration of the 10th of January, 1813 See the notes of the British commissioners, dated 19th September, 8th October, 1814.

when Spain, relieved from her European labors, may be expected to bestow her attention, more effectually upon the state of her colonies; and, acting with the wisdom, justice and magnanimity, of which she has given frequent examples, she will find no difficulty, in meeting the recent advances of the American government, for an honorable adjustment of every point in controversy between the two countries, without seeking the aid of British mediation, or adopting the animosity of British councils.

But still the United States, feeling a constant interest in the opinion of enlightened and impartial nations, cannot hesitate to embrace the opportunity, for representing, in the simplicity of truth, the events, by which they have been led to take possession of a part of the Floridas, notwithstanding the claim of Spain to the sovereignty of the same territory. In the acceptation and understanding of the U. States, the cession of Louisiana, embraced the country south of the Mississippi territory, and eastward of the river Mississippi, and extending to the river Perdido; but "their conciliatory views, and their confidence in the justice of their cause, and in the success of a candid discussion and amicable negociation with a just and friendly power, induced them to acquiesce in the temporary continuance of that territory under the Spanish authority."¶ When, however, the adjustment of the boundaries of Louisiana, as well as a reasonable indemnification, on account of maritime spoliations, and the suspension of the right of deposite at New Orleans, seemed to be indefinitely postponed, on the part of Spain, by events which the U. States had not

¶ See the proclamation of the president of the United States, authorizing governor Claiborne to take possession of the territory, dated the 27th of October, 1810.

contributed to produce, and could not control, when a crisis had arrived subversive of the order of things under the Spanish authorities, contravening the views of both parties, and endangering the tranquillity and security of the adjoining territories, by the intrusive establishment of a government, independent of Spain, as well as of the United States; and when, at a later period, there was reason to believe, that Great Britain herself designed to occupy the Floridas, (and she has, indeed, actually occupied Pensacola, for hostile purposes,) the American government, without departing from its respect for the rights of Spain, and even consulting the honor of that state, unequal, as she then was, to the task of suppressing the intrusive establishment, was impelled by the paramount principle of self-preservation, to rescue its own rights from the impending danger. Hence the United States in the year 1810, proceeding step by step, according to the growing exigencies of the time, took possession of the country, in which the standard of independence had been displayed, excepting such places as were held by a Spanish force. In the year 1811, they authorised their president, by law, provisionally to accept of the possession of East Florida from the local authorities, or to pre-occupy it against the attempt of a foreign power to seize it. In 1813, they obtained the possession of Mobile, the only place then held by a Spanish force in West Florida; with a view to their own immediate security, but without varying the questions depending between them and Spain, in relation to that province. And in the year 1814, the American commander, acting under the sanction of the law of nations, but unauthorised by the orders of his government, drove from Pensacola the British troops, who, in violation of the neutral territory of Spain, (a violation which Spain it is believed must herself resent, and would have resisted, if the opportunity had occured,) seized and fortified that station, to aid in military operations against the United States. But all these measures of safety and necessity were frankly explained, as they occurred, to the government of Spain, and even to the government of Great Britain, antecedently to the declaration of war, with the sincerest assurances, that the possession of the territory thus acquired, " should not cease to be a subject

of fair and friendly negociation and adjustment."

The present review of the conduct of the United States, towards the belligerent powers of Europe, will be regarded by every candid mind, as a necessary medium, to vindicate their national character, from the unmerited imputations of of the prince regent's declaration of the 10th January, 1813, and not as a medium, voluntarily assumed, according to the insinuations of that declaration, for the revival of unworthy prejudices, or vindictive passions, in reference to transactions that are past. The treaty of Amiens, which seemed to terminate the war in Europe, seemed also to terminate the neutral sufferings of America; but the hope of repose was, in both respects, delusive and transient. The hostilities which were renewed between G. Britain and France, in the year 1893, were immediately followed by a renewal of the aggressions of the belligerent powers, upon the commercial rights, and political independence, of the United States. There was scarcely, therefore, an interval, separating the aggressions of the first war, from the aggressions of the second war; and although, in nature, the aggressions continued to be the same, in extent, they became incalculably more destructive. It will be seen, however, that the American government, inflexibly maintained its neutral and pacific policy, in every extremity of the latter trial, with the same good faith and forbearance, that, in the former trial, had distinguished its conduct; until it was compelled to choose, from the alternative, of national degradation, or national resistance. And if Great Britain alone then became the object of the American declaration of war, it will be seen, that Great Britain alone, had obstinately closed the door of amicable negociation.

The American minister at London, anticipating the rupture between Great Britain and France, had obtained assurances from the British government, "that, in the event of war, the instructions given to their naval officers should be drawn up with plainness and precision; and, in general, that the rights of belligerents should be exercised in moderation, and with due respect for those of neutrals."† And in relation to the important subject of impressment, he had actually prepared for signature, with the assent of lord Hawkesbury and lord St. Vincent, a convention, to continue during five years, declaring that "no seaman, nor seafaring person, should, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship, or vessel, belonging to the citizens or subjects of one of the parties, by the public or private armed ships, or men of war, belonging to, or in the service of, the other party; and that strict orders should be given for the due observance of the engagement."‡ This convention, which explicity relinquished impressments from American vessels, on the high seas, and to which the British ministers had, at first, agreed, lord St. Vincent was desirous afterwards to modify, "stating, that on further reflection, he was of opinion, that the narrow seas should be expressly excepted, they having been, as his lordship remarked, immemorially considered to be within the dominion of Great Britain." The American minister, however, "having supposed, from the tenor of his conversations with lord St. Vincent, that the doctrine of *mare clausum* would not be revived against the United States on this occasion; but that England would be content, with the limited jurisdiction, or dominion, over the seas adjacent to her territories, which is assigned by the law of nations to other states, was disappointed, on receiving lord St. Vincent's communication; and chose rather to abandon the negociation, than to acquiesce in the doctrine it proposed to establish."‖ But it was still some satisfaction to receive a formal declaration from the British gov-

* See the letter from the secretary of state to governor Claiborne, and the proclamation, dated the 27th of October, 1810: See the proceedings of the convention of Florida, transmitted to the secretary of state, by the governor of the Mississippi territory, in his letter of the 17th of October, 1810; and the answer of the secretary of state, dated the 15th of November, 1810:

See the letter of Mr. Morier, British charge d'affaires, to the secretary of state, dated the 15th of December, 1810; and the secretary's answer:

See the correspondence between Mr. Monroe, and Mr. Foster, the British minister, in the months of July, September, and November, 1811.

† See the letter of Mr. King, to the secretary of state, dated the 16th of May, 1803.

‡ See the letter of Mr. King, to the secretary of state, dated July, 1803.

See the letter of Mr. King to the secretary of state, dated July, 1803.

ernment, communicated by its minister at Washington, after the recommencement of the war in Europe, which promised, in effect, to reinstate the practice of naval blockades, upon the principles of the law of nations; so that no blockade should be considered as existing, "unless in respect of particular ports, which might be actually invested; and, then, that the vessels bound to such ports should not be captured, unless they had previously been warned not to enter them."*

All the precautions of the American government were, nevertheless, ineffectual, and the assurances of the British government were, in no instance, verified. The outrage of impressment was again, indiscriminately, perpetrated upon the crew of every American vessel, and on every sea. The enormity of blockades, established by an order in council, without a legitimate object, and maintained by an order in council, without the application of a competent force, was, more and more, developed.—The rule, denominated "the rule of the war of 1756," was revived in an affected style of moderation, but in a spirit of more rigorous execution.† The lives, the liberty, the fortunes and the happiness of the citizens of the United States, engaged in the pursuits of navigation and commerce, were once more subjected to the violence and cupidity of the British cruisers. And, in brief, so grievous, so intolerable, had the afflictions of the nation become, that the people, with one mind, and one voice, called loudly upon their government, for redress and protection;‡ the congress of the United States, participating in the feelings and resentments of the time, urged upon the executive magistrate, the necessity of an immediate demand of reparation from Great Britain;‖ while the same patriotic spirit, which had opposed British usurpation in 1793, and encountered French hostility in 1798, was again pledged, in every variety of form, to the maintenance of the national honor and independence, during the more arduous trial that arose in 1805.

* See the letter of Mr. Merry, to the secretary of state, dated the 12th of April, 1804, and the enclosed copy of a letter from Mr. Nepean, the secretary of the admiralty, to Mr. Hammond, the British under secretary of state for foreign affairs, dated Jan 5, 1804.

† See the orders in council of the 24th June, 1803, and the 17th of Aug. 1805

‡ See the memorials of Boston, New York, Philadelphia, Baltimore, &c. presented to congress in the end of the year 1805, and the beginning of the year 1806.

‖ See the resolutions of the senate of the United States, of the 10th and 14th of February, 805; and the resolution of the house of representatives of the United States.

Amidst these scenes of injustice on the one hand, and of reclamation on the other, the American government preserved its equanimity and its firmness. It beheld much in the conduct of France, and of her ally, Spain, to provoke reprisals. It beheld more in the conduct of Great Britain, that led, unavoidably (as had often been avowed) to the last resort of arms. It beheld in the temper of the nation, all that was requisite to justify an immediate selection of Great Britain, as the object of a declaration of war. And it could not but behold in the policy of France, the strongest motive to acquire the U. States, as an associate in the existing conflict. Yet, these considerations did not then, more than at any former crisis, subdue the fortitude, or mislead the judgment, of the American government; but in perfect consistency with its neutral, as well as its pacific system, it demanded atonement, by remonstrances with France and Spain; and it sought the preservation of peace, by negociation with Great Britain.

It has been shown, that a treaty proposed, emphatically, by the British minister, resident at Philadelphia, "as the means of drying up every source of complaint, and irritation, upon the head of impressment," was "deemed utterly inadmissible," by the American government, because it did not sufficiently provide for that object.§ It has, also, been shown, that another treaty, proposed by the American minister, at London, was laid aside, because the British government, while it was willing to relinquish, expressly, impressments from American vessels, on the high seas, insisted upon an exception, in reference to the narrow seas, claimed as a part of the British dominion: and experience demonstrated, that, although the spoliations committed upon the American commerce, might admit of reparation, by the payment of a pecuniary equivalent; yet, consulting the honor, and the feelings of the nation, it was impossible to receive satisfaction for the cruelties of impressment, by any

§ See Mr. Liston's letter, to the secretary of state, dated the 4th of February, 1800; and the letter of Mr. Pickering, secretary of state, to the president of the United States, dated the 20th of February, 1800.

eans, than by an entire discontinuance of ce. When, therefore, the envoys ex- were appointed in the year 1806, to e with the British government, every au- was given, for the purposes of conciliation; nay, an act of congress, prohibiting the importation of certain articles of British manufacture into the United States, was suspended, in proof of a friendly disposition;¶ but it was declared, that "the suppression of impressment, and the definition of blockades, were absolutely indispensable;" and that, "without a provision against impressments, no treaty should be concluded." The American envoys, accordingly, took care to communicate to the British commissioners, the limitations of their powers. Influenced, at the same time, by a sincere desire to terminate the differences between the two nations; knowing the solicitude of their government, to relieve its seafaring citizens from actual sufferance; listening, with confidence, to assurances and explanations of the British commissioners, in a sense favorable to their wishes; and judging from a state of information, that gave no immediate cause to doubt the sufficiency of those assurances and explanations; the envoys, rather than terminate the negociation without any arrangement, were willing to rely upon the efficacy of a substitute, for a positive article in the treaty, to be submitted to the consideration of their government, as this, according to the declaration of the British commissioners, was the only arrangement, they were permitted, at that time, to propose, or to allow. The substitute was presented in the form of a note from the British commissioners to the American envoys, and contained a pledge, "that instructions had been given, and should be repeated and enforced, for the observance of the greatest caution in the impressing of British seamen; that the strictest care should be taken to preserve the citizens of the United States from any molestation or injury; and that immediate and prompt redress should be afforded, upon any representation of injury sustained by them."**

Inasmuch, however, as the treaty contained no

¶ S the act of congress, passed the 1 and the act suspending it, passed the 19

** See the note of the British com November, 1806.

provision against impressment, and it was seen by the government, when the treaty was under consideration for ratification, that the pledge contained in the substitute was not complied with, but, on the contrary, that the impressments were continued, with undiminished violence, in the American seas, so long after the alleged date of the instructions, which were to arrest them; that the practical inefficacy of the substitute could not be doubted by the government here, the ratification of the treaty was necessarily declined; and it has since appeared, that after a change in the British ministry had taken place, it was declared by the secretary for foreign affairs, that no engagements were entered into, on the part of his majesty, as connected with the treaty, except such as appear upon the face of it.*

The American government, however, with unabating solicitude for peace, urged an immediate renewal of the negociations on the basis of the abortive treaty, until this course was peremptorily declared, by the British government, to be "wholly inadmissible."†

But, independent of the silence of the proposed treaty, upon the great topic of American complaint, and of the view which has been taken of the projected substitute; the contemporaneous declaration of the British commissioners, delivered by the command of their sovereign, and to which the American envoys refused to make themselves a party, or to give the slightest degree of sanction, was regarded by the American government, as ample cause of rejection. In reference to the French decree, which had been issued at Berlin, on the 21st of November, 1806, it was declared that if France should carry the threats of that decree into execution, and, if "neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might, probably, be compelled, however reluctantly, to retaliate, in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures, which those nations should have permitted to be en-

* See Mr. Canning's letter to the American envoys, dated 27th October, 1807.

† See the same letter.

forced, against their commerce with his subjects :" " that his majesty could not enter into the stipulations of the present treaty, without an explanation from the United States of their intentions, or a reservation on the part of his majesty, in the case above mentioned, if it should ever occur," and " that without a formal abandonment, or tacit relinquishment of the unjust pretensions of France; or without such conduct and assurancces upon the part of the U. States, as should give security to his majesty, that they would not submit to the French innovations, in the established system of maritime law, his majesty would not consider himself bound by the present signature of his commissioners, to ratify the treaty, or precluded from adopting such measures as might seem necessary for counteracting the designs of the enemy."†

The reservation of a power, to invalidate a solemn treaty, at the pleasure of one of the parties, and the menace of inflicting punishment upon the United States, for the offences of another nation, proved, in the event, a prelude to the scenes of violence, which Great Britain was then about to display, and which it would have been improper for the American negociators to anticipate. For, if a commentary were wanting to explain the real design of such conduct, it would be found in the fact, that within eight days from the date of the treaty, and before it was possible for the British government to have known the effect of the Berlin decree on the American government; nay, even before the American government had itself heard of that decree, the destruction of American commerce was commenced by the order in council of the 7th of January, 1807, which announced, " that no vessel should be permitted to trade from one port to another, both which ports should belong to, or be in possession of France, or her allies; or should be so far under their control, as that British vessels might not trade freely thereat.‖"

(TO BE CONTINUED.)

† See the note of the British commissioners, dated the 31st of December, 1806. See also, the answer of Messrs. Monroe and Pinkney to that note.

‖ See the order in council of January 7, 1807.

AN EXPOSITION

OF THE

CAUSES AND CHARACTER OF THE LATE WAR WITH GREAT BRITAIN.

(CONTINUED.)

During the whole period of this negociaton, which did not finally close until the British government declared, in the month of October, 1807, that negociation was no longer admissible, the course pursued by the British squadron, stationed more immediately on the American coast, was in the extreme, vexatious, predatory, and hostile. The territorial jurisdiction of the United States, extending, upon the principles of the law of nations, at least a league over the adjacent ocean, was totally disregarded and contemned. Vessels employed in the coasting trade, or in the busines of the pilot and the fisherman, were objects of incessant violence; their petty cargoes were plundered: and some of their scanty crews were often, either impressed, or wounded, or killed, by the force of British frigates.—British ships of war hovered, in warlike display, upon the coast; blockaded the ports of the United States, so that no vessel could enter, or depart, in safety; penetrated the bays and rivers, and even anchored in the harbors, of the United States, to exercise a jurisdiction of impressment; threatned the towns and villages with conflagration; and wantonly discharged musketry, as well as cannon, upon the inhabitants of an open and unprotected country. The neutrality of the American territory was violated on every occasion; and, at last, the American government was doomed to suffer the greatest indignity which could be offered to a sovereign and independent nation, in the ever memorable attack of a British 50gun ship, under the countenance of the British squadron, anchored within the waters of the U. States, upon the frigate Chesapeake, peaceably prosecuting a distant voyage. The British government affected, from time to time, to disapprove and condemn these outrages; but the officers who perpetrated them were generally applauded; if tried, they were acquitted; if removed from the American station, it was only to be promoted in another station; and if atonement were offered, as in the flagrant instance of the frigate Chesapeake, the atonement was so un-

gracious in the manner, and so tardy in the result, as to betray the want of that conciliatory spirit which ought to have characterized it.*

But the American government, soothing the exasperated spirit of the people, by a proclamation, which interdicted the entrance of all British armed vessels, into the harbors and waters of the United States,† neither commenced hostilities against Great Britain; nor sought a defensive alliance with France; nor relaxed in its firm, but conciliatory, efforts, to enforce the claims of justice, upon the honor of both nations.

The rival ambition of G. Britain and France, now, however, approached the consummation, which, involving the destruction of all neutral rights, upon an avowed principle of action, could not fail to render an actual state of war, comparatively, more safe, and more prosperous, than the imaginary state of peace, to which neutrals were reduced. The just and impartial conduct of a neutral nation, ceased to be its shield, and its safeguard, when the conduct of the belligerent powers towards each other, became the only criterion of the law of war. The wrong committed by one of the belligerent powers, was thus made the signal, for the perpetration of a greater wrong by the other; and if the American government complained to both powers, their answer, although it never denied the causes of complaint, invariably retorted an idle and offensive inquiry, into the priority of their respective aggressions; or each demanded a course of resistance, against its antagonist, which was calculated to prostrate the American right of self-government, and to coerce the United States, against their interest and their policy, into becoming an associate in the war. But the American government never did, and never can, admit, that a belligerent power, "in taking steps to restrain the violence of its enemy, and to retort upon them the evils of their own injustice,"‡ is entitled to disturb and to destroy, the rights of a neutral power, as recognized and established, by the law of nations. It was impossible indeed, that the real features

* See the evidence of these facts reported to congress in November, 1806.

See the documents respecting captain Love, of the Driver; captain Whitby, of the Leander; and captain

See, also, the correspondence respecting the frigate Chesapeake, with Mr. Canning, at London; with Mr. Rose, at Washington; with Mr. Erskine, at Washington; and with

† See the proclamation of the 2d of July, 1807.

‡ See the orders in council of the 7th of January, 1807.

of the miscalled retaliatory system should be long masked from the world; when Great Britain, even in her acts of professed retaliation, declared, that France was unable to execute the hostile denunciations of her decrees;‖ and when Great Britain herself, unblushingly, entered into the same commerce with her enemy (through the medium of forgeries, perjuries, and licenses) from which she had interdicted unoffending neutrals. The pride of naval superiority; and the cravings of commercial monopoly; gave, after all, the impulse and direction to the councils of the British cabinet; while the vast, although visionary, projects of France, furnished occasions and pretexts, for accomplishing the objects of those councils.

The British minister, resident at Washington, in the year 1804, having distinctly recognized, in the name of his sovereign, the legitimate principles of blockade, the American government received, with some surprise and solicitude, the successive notifications of the 9th of August, 1804, the 8th of April, 1806, and, more particularly, of the 16th of May, 1806, announcing, by the last notification, "a blockade of the coast, rivers, and ports, from the river Elbe to the port of Brest, both inclusive."§ In none of the notified instances of blockade, were the principles, that had been recognized in 1804, adopted and pursued; and it will be recollected by all Europe, that neither at the time of the notification of the 16th of May, 1806; nor at the time of excepting the Elbe and Ems, from the operation of that notification;¶ nor at any time, during the continuance of the French war, was there an adequate naval force, actually applied by Great Britain, for the purpose of maintaining a blockade, from the river Elbe, to the port of Brest. It was, then, in the language of the day, "a mere paper blockade;" a manifest infraction of the law of nations; and an act of peculiar injustice to the United States, as the only neutral power, against which it would practically operate. But whatever may have been the sense of the American go-

‖ See the orders in council of the 7th of January, 1807.

§ See lord Harrowby's note to Mr. Monroe, dated the 9th of August, 1804, and Mr. Fox's notes to Mr. Monroe, dated respectively the 8th of April, and 16th of May, 1806.

¶ See lord Howick's note to Mr. Monroe dated the 25th Sept. 1806.

vernment on the occasion; and whatever might be the disposition, to avoid making this the ground of an open rupture with Great Britain, the case assumed a character of the highest interest, when, independent of its own injurious consequences, France in the Berlin decree of the 21st of November, 1806, recited, as a chief cause for placing the British islands in a state of blockade, "that Great Britain declares blockaded, places before which she has not a single vessel of war; and even places which her united forces would be incapable of blockading; such as entire coasts, and a whole empire: an unequalled abuse of the right of blockade, that had no other object, than to interrupt the communications of different nations; and to extend the commerce and industry of England, upon the ruin of those nations."* The American government aims not, and never has aimed, at the justification, either of Great Britain, or of France, in their career of crimination and recrimination: but it is of some importance to observe, that if the blockade of May, 1806, was an unlawful blockade, and if the right of retaliation arose with the first unlawful attack, made by a belligerent power upon neutral rights, Great Britain has yet to answer to mankind, according to the rule of her own acknowledgment, for all the calamities of the retaliatory warfare. France, whether right, or wrong, made the British system of blockade, the foundation of the Berlin decree; and France had an equal right with Great Britain, to demand from the United States, an opposition to every encroachment upon the privileges of the neutral character. It is enough, however, on the present occasion, for the American government, to observe, that it possessed no power to prevent the framing of the Berlin decree, and to disclaim any approbation of its principles, or acquiescence in its operations: for, it neither belonged to Great Britain, nor to France, to prescribe to the American government, the time, or the mode, or the degree, of resistance, to the indignities, and the outrages, with which each of those nations, in its turn, assailed the United States.

But it has been shown, that after the British government possessed a knowledge of the existence of the Berlin decree, it authorized the

conclusion of the treaty with the United States, which was signed at London, on the 31st of December, 1806, reserving to itself a power of annulling the treaty, if France did not revoke, or if the United States, as a neutral power, did not resist, the obnoxious measure. It has, also, been shown, that before Great Britain could possibly ascertain the determination of the United States, in relation to the Berlin decree, the orders in council of the 7th of January, 1807, were issued, professing to be a retaliation against France, "at a time when the fleets of France and her allies were themselves confined within their own ports, by the superior valor and discipline of the British navy."† but operating, in fact, against the United States, as a neutral power, to prohibit their trade "from one port to another, both which ports should belong to, or be in the possession of, France or her allies, or should be so far under their control, as that British vessels might not trade freely thereat."† It remains, however, to be stated, that it was not until the 12th of March, 1807, that the British minister, then residing at Washington, communicated to the American government, in the name of his sovereign, the orders in council of January, 1807, with an intimation, that stronger measures would be pursued, unless the United States should resist the operations of the Berlin decree.‡ At the moment, the British government was reminded, "that within the period of those great events, which continued to agitate Europe, instances had occurred, in which the commerce of neutral nations, more especially of the United States, had experienced the severest distresses from its own orders and measures, manifestly unauthorized by the law of nations;" assurances were given, "that no culpable acquiescence on the part of the United States would render them accessary to the proceedings of one belligerent nation, through their rights of neutrality, against the commerce of its adversary;" and the right of Great Britain to issue such orders, unless as orders of blockade, to be enforced according to the law of nations, was utterly denied.‖

* See the Berlin decree of the 21st of November, 1806.
† See the order in council of the 7th of January, 1807.
‡ See Mr. Erskine's letter to the secretary of state, dated the 12th of March, 1807.
‖ See the secretary of state's letter to Mr. Erskine, dated the 20th of March, 1807.

This candid and explicit avowal of the sentiments of the American government, upon an occasion, so novel and important in the history of nations, did not, however, make its just impression upon the British cabinet; for, without assigning any new provocation on the part of France, and complaining, merely, that neutral powers had not been induced to interpose, with effect, to obtain a revocation of the Berlin decree, (which, however, Great Britain herself had affirmed to be a decree nominal and inoperative,) the orders in council of the 11th of November, 1807, were issued, declaring, "that all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe, from which although not at war with his majesty, the British flag was excluded, and all ports or places in the colonies belonging to his majesty's enemies, should, from thenceforth, be subject to the same restrictions, in point of trade and navigation, as if the same were actually blockaded by his majesty's naval forces, in the most strict and rigorous manner:" that "all trade in articles which were the produce or manufacture of the said countries or colonies, should be deemed and considered to be unlawful:" but that neutral vessels should still be permitted to trade with France from certain free ports, or through ports and places of the British dominions.§ To accept the lawful enjoyment of a right, as the grant of a superior: to prosecute a lawful commerce, under the forms of favor and indulgence; and to pay a tribute to Great Britain, for the privilege of a lawful transit on the ocean: were concessions, which Great Britain was disposed, insidiously, to exact, by an appeal to the cupidity of individuals, but which the United States could never yield; consistently with the independence and sovereignty of the nation. The orders in council were, therefore, altered, in this respect, at a subsequent period;¶ but the general interdict of neutral commerce, applying, more especially to American commerce, was obstinately maintained, against all the force of reason, of remonstrance, and of protestation, employed by the American government, when the subject was presented to its consideration, by the British minister residing at Waghington. The fact as-

§ See the orders in council of the 11th of November, 1807.

¶ See Mr. Canning's letter to Mr. Pinkney, 23d February, 1808.

sumed as the basis of the orders in council was unequivocally disowned; and it was demonstrated, that so far from its being true, "that the United States had acquiesced in the illegal operation of the Berlin decree, it was not even true that at the date of the British orders of the 11th of November, 1807, a single application of that decree to the commerce of the United States, on the high seas, could have been known to the British government;" while the British government had been officially informed by the American minister at London, "that explanations, uncontradicted by any overt act, had been given to the American minister at Paris, which justified a reliance that the French decree would not be put in force against the United States."*

The British orders of the 11th of November, 1807, were quickly followed by the French decree of Milan, dated the 17th of December, 1807, "which was said to be resorted to, only in just retaliation of the barbarous system adopted by England," and in which the denationalizing tendency of the orders, is made the foundation of a declaration in the decree, "that every ship to whatever nation it might belong, that should have submitted to be searched by an English ship, or to a voyage to England, or should have paid any tax whatsoever to the English government, was thereby, and for that alone, declared to be denationalized, to have forfeited the protection of its sovereign, and to have become English property, subject to capture as good and lawful prize: that the British Islands were placed in a state of blockade, both by sea and land—and every ship, of whatever nation, or whatever the nature of its cargo might be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops, and proceeding to England, or to the English colonies, or to countries occupied by English troops, should be good and lawful prize: but that the provisions of the decree should be abrogated and null, in fact, as soon as the English should abide again by the principles of the law of nations, which are, also, the principles of justice and honor."† In opposition, however, to the Milan decree, as well as to

* See Mr Erskine's letter to the secretary of state, dated 22d of February, 1808; and the answer of the secretary of state, dated the 25th of March, 1808.

† See the Milan decree of the 17th of December, 1807.

the Berlin decree, the American government strenuously and unceasingly employed every instrument, except the instruments of war. It acted precisely towards France, as it acted towards Great Britain, on similar occasions; but France remained, for a time, as insensible to the claims of justice and honor, as Great Britain, each imitating the other, in extravagance of pretension, and in obstinacy of purpose.

When the American government received intelligence, that the orders of the 11th of November, 1807, had been under the consideration of the British cabinet, and were actually prepared for promulgation, it was anticipated that France, in a zealous prosecution of the retaliatory warfare, would soon produce an act of, at least, equal injustice and hostility. The crisis existed, therefore, at which the United States were compelled to decide either to withdraw their seafaring citizens, and their commercial wealth from the ocean, or to leave the interests of the mariner and the merchant exposed to certain destruction; or to engage in open and active war, for the protection and defence of those interests. The principles and the habits of the American government, were still disposed to neutrality and peace. In weighing the nature and the amount of the aggression, which had been perpetrated, or which were threatened, if there were any preponderance to determine the balance, against one of the belligerent powers, rather than the other, as the object of a declaration of war; it was against Great Britain, at least, upon the vital interest of impressment; and the obvious superiority of her naval means of annoyance. The French decrees were, indeed, as obnoxious in their formation and design as the British orders; but the government of France claimed and exercised no right of impressment; and the maritime spoliations of France were comparatively restricted, not only by her own weakness on the ocean, but by the constant and pervading vigilance of the fleets of her enemy. The difficulty of selection; the indiscretion of encountering, at once, both of the offending powers; and, above all, the hope of an early return of justice, under the dispensations of the ancient public law, prevailed in the councils of the American government; and it was resolved to

attempt the preservation of its neutrality and its peace; of its citizens, and its resources; by a voluntary suspension of the commerce and navigation of the U. States. It is true, that for the minor outrages committed, under the pretext of the rule of war of 1756, the citizens of every denomination had demanded from their government, in the year 1805, protection and redress; it is true, that for the unparalleled enormities of the year 1807, the citizens of every denomination again demanded from their government protection and redress: but it is, also, a truth, conclusively established by every manifestation of the sense of the American people, as well as of their government, that any honorable means of protection and redress, were preferred to the last resort of arms. The American government might honorably retire, for a time, from a scene of conflict and collision; but it could no longer, with honor, permit its flag to be insulted, its citizens to be enslaved, and its property to be plundered, on the highway of nations.

Under these impressions, the restrictive system of the United States was introduced. In December, 1807, an embargo was imposed upon all American vessels and merchandise;‡ on principles similar to those, which originated and regulated the embargo law, authorised to be laid by the president of the United States, in the year 1794: but soon afterwards, in the genuine spirit of the policy, that prescribed the measure, it was declared by law, "that in the event of such peace, or suspension of hostilities, between the belligerent powers of Europe, or such changes in their measures affecting neutral commerce, as might render that of the United States safe, in the judgement of the president of the United States, he was authorised to suspend the embargo, in whole or in part."‖ The pressure of the embargo was thought, however, so severe upon every part of the community, that the American government, notwithstanding the neutral character of the measure, determined upon some relaxation; and, accordingly, the embargo being raised, as to all other nations, a system of non-intercourse and non-importation was substituted in March, 1809, as to Great Brititain and France, which prohibited all voyages to the British or French dominions, and all trade in articles of

‡ See the act of congress, passed the 22d Dec. 1807.
‖ See the act of congress, passed the 22d of April, 1808.

British or French product or manufacture.* But still adhering to the neutral and pacific policy of the government, it was declared, "that the president of the United States should be authorised in case either France, or Great Britain, should so revoke, or modify, her edicts, as that they should cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States might be renewed with the nation so doing."* These appeals to the justice and the interests of the belligerent powers proving ineffectual; and the necessities of the country increasing, it was finally resolved, by the American government, to take the hazards of a war; to revoke its restrictive system; and to exclude British and French armed vessels from the harbors and waters of the United States; but, again, emphatically to announce, "that in case either G. Britain or Frahce should, before the 3d of March 1811, so revoke, or modify, her edicts, as that they should cease to violate the neutral commerce of the United States; and if the other nation should not, within three months thereafter, so revoke, or modify, her edicts, in like manner," the provisions of the non-intercourse and non-importation law should, at the expiration of three months, be revived against the nation refusing, or neglecting, to revoke, or modify its edict.†

In the course, which the American government had hitherto pursued, relative to the belligerent orders and decress, the candid foreigner, as well as the patriotic citizen, may perceive an extreme solicitude, for the preservation of peace; but in the publicity, and impartiality, of the overture, that was thus spread before the belligerent powers, it is impossible, that any indication should be found, of foreign influence or control. The overture was urged upon both nations for acceptance, at the same time, and in the same manner; nor was an intimation withheld, from either of them, that "it might be regarded by the belligerent first accepting it, as a promise to itself, and a warning to its enemy."‡ Each of the nations, from the commencement of the retaliatory system, acknowleged, that its measures were violations of public law; and each pledged itself to retract them, whenever the other should set the example.‖ Although the American gov-

ernment, therefore, persisted in its remonstrances against the original transgressions, without regard to the question of their priority, it embraced, with eagerness, every hope of reconciling the interests of the rival powers, with a performance of the duty which they owed to the neutral character of the U. States: and when the British minister, residing at Washington, in the year 1809, affirmed, in terms as plain, and as positive, as language could supply, "that he was authorized to declare, that his Britannic majesty's orders in council of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June, 1809," the president of the United States hastened, with approved liberality, to accept the declaration as conclusive evidence, that the promised fact would exist, at the stipulated period; and, by an immediate proclamation, he announced, "that after the 10th day of June next, the trade of the United States with Great Britain, as suspended by the non-intercourse law, and by the acts of congress laying and enforcing an embargo, might be renewed."§ The American government neither asked, nor received, from the British minister, an exemplification of his powers; an inspection of his instructions; nor the solemnity of an order in council: but executed the compact, on the part of the United States, in all the sincerity of its own intentions; and in all the confidence, which the official act of the representative of his Britannic majesty, was calculated to inspire.—The act, and the authority for the act, were, however, disavowed by Great Britain; and an attempt was made, by the successor of Mr. Erskine, through the aid of insinuations, which were indignantly repulsed, to justify the British rejection of the treaty of 1809, by referring to the American rejection of the treaty of 1806; forgetful of the essential points of difference, that the British government, on the former occasion, had been explicitly apprized by the American negociators of their defect of power; and that the

** See the act of congress, passed the first day of March, 1809

* See the 11th section of the last cited act of congress

† See the act of congress, passed the first of May, 1810.

‡ See the correspondence between the secretary of state, and the American ministers at London and Paris.

‖ See the documents laid before congress from time to time by the president, and printed

§ See the correspondence between Mr. Erskine, the British minister, and the secretary of state, on the 17th, 18th, and 19th of April, 1809; and the president's proclamation of the last date.

execution of the projected treaty had not, on either side, been commenced.¶

After this abortive attempt to obtain a just and honorable revocation of the British orders in council, the United States were again invited to indulge the hope of safety and tranquillity, when the minister of France announced to the American minister at Paris, that in consideration of the act of the 1st of May, 1809, by which the congress of the United States "engaged to oppose itself to that one of the belligerent powers, which should refuse to acknowlege the rights of neutrals, he was authorized to declare, that the decrees of Berlin and Milan were revoked, and that after the 1st of November, 1810, they would cease to have effect; it being understood, that in consequence of that declaration, the English should revoke their orders in council, and renounce the new principles of blockade, which they had wished to establish; or that the United States, conformably to the act of congress, should cause their rights to be respected by the English."†† This declaration, delivered by the official organ of the government of France, and in the presence, as it were, of the French sovereign, was of the highest authority, according to all the rules of diplomatic intercourse; and, certainly, far surpassed any claim of credence, which was possessed by the British minister, residing at Washington, when the arrangement of the year 1809, was accepted and executed by the American government. The president of the United States, therefore, owed to the consistency of his own character, and to the dictates of a sincere impartiality, a prompt acceptance of the French overture: and, accordingly, the authoritative promise, that the fact should exist at the stipulated period, being again admitted as conclusive evidence of its existence, a proclamation was issued on the 2d of November, 1810, announcing "that the edicts of France had been so revoked, as that they ceased, on the 1st day of the same month, to violate the neutral commerce of the United States; and that all the restrictions imposed by the act of congres, should then cease and be discontinued, in relation to France

¶ See the correspondence between the secretary of state, and Mr. Jackson, the British minister.

†† See the duke de Cadore's letter to Mr. Armstrong, dated the 5th of August, 1810.

and her dependencies."†† That France, from this epoch, refrained from all aggressions on the high seas, or even in her own ports, upon the persons and the property of the citizens of the U. States, never was asserted; but, on the contrary, her violence and her spoilations have been unceasing causes of complaint. These subsequent injuries, constituting a part of the existing reclamations of the United States, were, always, however, disavowed by the French government; whilst the repeal of the Berlin and Milan decrees has, on every occasion, been affirmed; insomuch that Great Britain herself was, at last, compelled to yield to the evidence of the fact.

On the expiration of three months from the date of the president's proclamation, the non-intercouse and non-importation law was, of course, to be revived against Great Britain, unless, during that period, her orders in council should be revoked. The subject was, therefore, most anxiously and most steadily pressed upon the justice and the magnanimity of the British government; and even when the hope of success expired, by the lapse of the period prescribed in one act of congress, the United States opened the door of reconciliation by another act, which, in the year 1811, again provided, that in case, at any time, "Great Britain should so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States: the president of the United States should declare the fact by proclamation; and that the restrictions, previously imposed, should, from the date of such proclamation, cease and be discontinued."* But, unhappily, every appeal to the justice and magnanimity of Great Britain was now, as heretofore, fruitless and forlorn. She had, at this epoch, impressed from the crews of American merchant vessels, peaceably navigating the high seas, not less than six thousand mariners, who claimed to be citizens of the United States, and who were denied all opportunity to verify their claims. She had seized and confiscated the commercial property of American citizens, to an incalculable amount. She had united in the enormities of France, to declare a great proportion of the terraqueous globe in a state of blockade; chasing the American merchant flag effectually from the ocean. She had contemptuously disregarded the neutrality of the American territory, and the jurisdiction of the American laws, within the waters and harbors of the United States. She was enjoying the emoluments of a surreptitious trade, stained with every species of fraud and corruption, which gave to the belligerent powers, the advantages of peace, while

†† See the president's proclamation of the 2d of Nov 1810.
* See the act of congress, passed the 2d of March, 1811.

the neutral powers were involved in the evils of war. She had, in short, usurped and exercised on the water, a tyranny similar to that, which her great antagonist had usurped and exercised upon the land. And, amidst all these proofs of ambition, and avarice, she demanded that the victims of her usurpations and her violence, should revere her as the sole defender of the rights and liberties of mankind.

When, therefore, Great Britain, in manifest violation of her solemn promises, refused to follow the example of France, by the repeal of her orders in council, the American government was compelled to contemplate a resort to arms, as the only remaining course to be pursued; for its honor, its independence, and its safety. Whatever depended upon the United States themselves, the United States had performed for the preservation of peace, in resistance of the French decrees, as well as of the British orders. What had been required from France, in its relation to the neutral character of the United States, France had performed, by the revocation of its Berlin and Milan decrees. But what depended upon Great Britain, for the purposes of justice, in the repeal of her orders in council, was withheld; and new evasions were sought, when the old were exhausted. It was, at one time, alleged, that satisfactory proof was not afforded, that France had repealed her decrees against the commerce of the United States; as if such proof alone were wanting, to ensure the performance of the British promise.† At another time, it was insisted, that the repeal of the French decrees, in their operation against the United States in order to authorise a demand for the performance of the British promise, must be total, applying equally to their internal, and their external effects; as if the United States had either the right, or the power, to impose upon France the law of her domestic institutions.‡ And it was, finally, insisted, in a despatch from lord Castlereagh to the British minister, residing at Washington, in the year 1812, which was officially communicated to the American government, "that the decrees of Berlin and Milan must not be repealed singly and specially, in relation to the United States; but must be repealed, also, as to all other neutral nations; and that in no less extent of a repeal of the French decrees, had the British government ever pledged itself to repeal the orders in council;"‖ as if it were incumbent on the United States, not only to assert her own rights, but to become the coadjutor of the British government, in a gratuitous assertion of the rights of all other nations.

(TO BE CONTINUED.)

† See the correspondence between Mr. Pinkney and the British government.

‡ See the letters of Mr. Erskine.

‖ See the correspondence between the secretary of state and Mr. Foster, the British minister, in June, 1812.

AN EXPOSITION
OF THE
CAUSES AND CHARACTER OF THE LATE WAR WITH GREAT BRITAIN.

(CONTINUED.)

The congress of the United States could pause no longer. Under a deep and afflicting sense of the national wrongs, and the national resentments —while they "postponed definitive measures with respect to France, in the expectation that the result of unclosed discussions, between the American minister at Paris, and the French government, would speedily enable them to decide, with greater advantage, on the course due to the rights, the interests, and the honor of the country;"* they pronounced a deliberate and solemn declaration of war, between Great Britain and the United States, on the 18th of June, 1812.

But, it is in the face of all the facts, which have been displayed, in the present narrative, that the prince regent, by his declaration of January, 1813, describes the United States as the aggressor in the war. If the act of declaring war, constitutes, in all cases, the act of original aggression, the United States must submit to the severity of the reproach: but if the act of declaring war may be more truly considered, as the result of long suffering, and necessary self defence, the American government will stand acquitted, in the sight of Heaven, and of the world. Have the United States, then, enslaved the subjects, confiscated the property, prostrated the commerce, insulted the flag, or violated the territorial sovereignty of Great Britain: No: but, in all these respects, the United States had suffered, for a long period of years, previously to the declaration of war, the contumely and outrage of the British government. It has been said, too, as an aggravation of the imputed aggression, that the United States chose a period, for their declaration of war, when Great Britain was struggling for her own existence, against a power, which threatened to overthrow the independence of all Europe; but it might be more truly said, that the United States, not acting upon choice, but upon

* See the president's message of the 1st June 1812: and the report of the committee of foreign relations, to whom the message was referred.

compulsion, delayed the declaration of war, until the persecutions of Great Britain had rendered further delay destructive and disgraceful. G. Britain had converted the commercial scenes of American opulence and prosperity, into scenes of comparative poverty and distress; she had brought the existence of the United States, as an independent nation, into question; and, surely, it must have been indifferent to the United States, whether they ceased to exist as an independent nation, by her conduct, while she professed friendship, or by her conduct, when she avowed enmity and revenge. Nor is it true, that the existence of Great Britain was in danger, at the epoch of the declaration of war. The American government uniformly entertained an opposite opinion; and, at all times, saw more to apprehend for the United States, from her maritime power, than from the territorial power of her enemy. The event has justified the opinion, and the apprehension. But what the United States asked, as essential to their welfare, and even as beneficial to the allies of Great Britain, in the European war, Great Britain, it is manifest, might have granted, without impairing the resources of her own strength, or the splendor of her own sovereignty; for, her orders in council have been since revoked; not, it is true, as he performance of her promise, to follow, in his respect, the example of France, since she finally rested the obligation of that promise, upon a repeal of the French decrees, as to all nations; and the repeal was only as to the United States: nor as an act of national justice towards the U. States: but, simply, as an ast of domestic policy, for the special advantage of her own people.

The British government has, also, described the war, as a war of aggrandizement and conquest, on the part of the United States; but, where is the foundation for the charge? While the American government employed every means to dissuade the Indians, even those who lived within the territory, and were supplied by the

bounty, of the United States, from taking any part in the war,† the proofs were irresistible, that the enemy pursued a very different course;‡ and that every precaution would be necessary, to prevent the effects of an offensive alliance, between the British troops and the savages, throughout the northern frontier of the United States.—— The military occupation of Upper Canada was, therefore, deemed indispensable to the safety of that frontier, in the earliest movements of the war, independent of all views of extending the territorial boundary of the United States. But, when war was declared, in resentment for injuries, which had been suffered upon the Atlantic, what principle of public law, what modification of civilized warfare, imposed upon the U. States the duty of abstaining from the invasion of the Canadas? It was there alone, that the United States could place themselves upon an equal footing of military force with Great Britain; and it was there, that they might reasonably encourage the hope of being able, in the prosecution of a lawful retaliation, "to restrain the violence of the enemy, and to retort upon him, the evils of his own injustice." The proclamations issued by the American commanders, on entering Upper Canada, have, however, been adduced by the British negociators at Ghent, as the proofs of a spirit of ambition and aggrandizement, on the part of their government. In truth, the proclamations were not only unauthorised and disapproved, but were infractions of the positive instructions, which had been given, for the conduct of the war in Canada. When the general, commanding the north western army of the United States, received, on the 24th of June, 1812, his

† See the proceedings of the councils, held with the Indians, during the expedition under brig. gen. Hull; and the talk delivered by the president of the U. States, to the Six Nations, at Washington, on the 8th April, 1813.

‡ See the documents laid before congress, on the 13th June, 1812.

first authority to commence offensive operations, he was especially told, that "he must not consider himself authorised to pledge the government to the inhabitants of Canada, further than assurances of protection in their persons, property, and rights." And on the ensuing 1st of August, it was emphatically declared to him, "that it had become necessary, that he should not lose sight of the instructions of the 24th of June, as any pledge beyond that, was incompatible with the views of the government."* Such was the nature of the charge of American ambition and aggrandizement, and such the evidence to support it.

The prince regent has, however, endeavored to add to these unfounded accusations, a stigma, at which the pride of the American government revolts. Listening to the fabrications of British emissaries; gathering scandals from the abuses of a free press; and misled, perhaps, by the asperities of a party spirit, common to all free governments; he affects to trace the origin of the war to "a marked partiality, in palliating and assisting the aggressive tyranny of France;" and "to the prevalence of such councils, as associated the United States, in policy with the government of that nation."† The conduct of the American government is now open to every scrutiny; and its vindication is inseparable from a knowledge of the facts. All the world must be sensible, indeed, that neither in the general policy of the late ruler of France, nor in his particular treatment of the United States, could there exist any political, or rational foundation, for the sympathies and associations, overt or clandestine, which have been rudely and unfairly suggested. It is equally obvious, that nothing short of the aggressive tyranny, exercised by Great Britain towards the United States, could have counteracted and controlled, those tendencies to peace and amity, which derived their impulse, from natural and social causes; combining the affections and interests of the two nations. The American government, faithful to that principle of public law, which acknowledges the authority of all governments established *de facto*: and conforming its practice, in this respect, to the example of Europe; has never contested the validity of the governments successively established in

France; nor refrained from that intercourse with either of them, which the just interests of the United States required. But the British cabinet is challenged to produce, from the recesses of its secret, or of its public, archives, a single instance of unworthy concessions, or of political alliance and combination, throughout the intercouse of the United States, with the revolutionary rulers of France. Was it the influence of French councils, that induced the American government to resist the pretensions of France, in 1793, and to encounter her hostilities in 1798? that led to the ratification of the British treaty in 1795; to the British negociation in 1803, and to the convention with the British minister in 1809? that dictated the impartial overtures, which were made to Great Britain, as well as to France, during the whole period of the restrictive system? that produced the determination to avoid making any treaty, even a treaty of commerce, with France, until the outrage of the Rambouillet decree was repaired?‡ that sanctioned the repeated and urgent efforts of the American government, to put an end to the war, almost as soon as it was declared? or that, finally, prompted the explicit communication, which, in pursuance of instructions, was made by the American minister, at St. Petersburgh, to the court of Russia, stating, "that the principal subjects of discussion, which had long been subsisting between the United States and France, remained unsettled; that there was no immediate prospect, that there would be a satisfactory settlement of them; but that, whatever the event, in that respect, might be, it was not the intention of the government of the United States, to enter into any more intimate connexions with France; that the government of the United States did not anticipate any event whatever, that could produce that effect; and that the American minister was the more happy to find himself authorized by his government to avow this intention, as different representations of their views had been widely circulated, as well in Europe, as in America."‖ But, while every act of the American government thus falsifies the charge of a

* See the letter from the secretary of the war department, to brig. gen. Hull, dated the 24th of June, and the 1st of Aug. 1812.

† See the British declaration, of the 10th of January, 1813.

‡ See the instructions from the secretary of state to the American minister at Paris, dated the 29th May, 1813.

‖ See Mr. Monroe's letter to Mr. Adams, dated the 1st of July, 1812; and Mr. Adams' letter to Mr. Monroe, dated the 11th of December, 1812.

subserviency to the policy of France, it may be justly remarked, that of all the governments, maintaining a necessary relation and intercourse with that nation, from the commencement, to the recent termination, of the revolutionary establishments, it has happened, that the government of the United States has least exhibited marks of condescension and concession to the successive rulers. It is for Great Britain, more particularly, as an accuser, to examine and explain the consistency of the reproaches, which she has uttered against the United States, with the course of her own conduct; with her repeated negociations, during the republican, as well as during the imperial, sway of France; with her solicitude to make and to propose treaties; with her interchange of commercial benefits, so irreconcilable to a state of war; with the almost triumphant entry of a French ambassador into her capital, amidst the acclamations of the populace; and with the prosecution, instituted, by the orders of the king of Great Britain himself, in the highest court of criminal jurisdiction in his kingdom, to punish the printer of a gazette, for publishing a libel on the conduct and character of the late ruler of France! Whatever may be the source of these symptoms, however they may indicate a subservient policy, such symptoms have never occurred in the United States, throughout the imperial government of France.

The conduct of the United States, from the moment of declaring the war, will serve, as well as their previous conduct, to rescue them from the unjust reproaches of Great Britain. When war was declared, the orders in council had been maintained, with inexorable hostility, until a thousand American vessels with their cargoes had been seized and confiscated, under their operation; the British minister at Washington had, with peculiar solemnity, announced that the orders would not be repealed, but upon conditions, which the American government had not the right, nor the power, to fulfil; and the European war, which had raged, with little intermission for twenty years, threatened an indefinite continuance. Under these circumstances, a repeal of the orders, and a cessation of the

injuries, which they produced, were events beyond all rational anticipation. It appears, however, that the orders, under the influence of a parliamentary inquiry into their effects upon the trade and manufactures of Great Britain, were provisionally repealed on the 23d of June, 1812, a few days subsequent to the American declaration of war. If this repeal had been made known to the United States, before their resort to arms, the repeal would have arrested it; and that cause of war being removed, the other essential cause, the practice of impressment, would have been the subject of renewed negociation, under the auspicious influence of a partial, yet important act of reconciliation. But the declaration of war, having announced the practice of impressment, as a principal cause, peace could only be the result of an express abandonment of the practice; of a suspension of the practice, for the purposes of negociation; or of a cessation of actual sufferance, in consequence of a pacification in Europe, which would deprive Great Britain of every motive for continuing the practice.

Hence, when early intimations were given, from Halifax and from Canada, of a disposition, on the part of the local authorities to enter into an armistice, the power of those authorities was so doubtful, the objects of the armistice were so limited, and the immediate advantages of the measure were so entirely on the side of the enemy, that the American government could not, consistently with its duty, embrace the propositions.* But some hope of an amicable adjustment was inspired, when a communication was received from admiral Warren, in September, 1812, stating that he was commanded by his government, to propose, on the one hand "that the government of the United States should, instantly, recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territorries of his majesty, or the persons or property of his subjects;" and to promise, on the other hand, if the American government acquiesced in the preceding proposition, that instructions should be issued to the British squadrons, to discontinue hostilities against the United States and their citizens.—

* See the letters from the department of state to Mr. Russell, dated the 9th and 10th August, 1812, and Mr. Graham's memorandum of a conversation with Mr. Baker, the British secretary of legation, enclosed in the last letter. See, also, Mr. Monroe's letter to Mr. Russell, dated the 21st of Aug. 1812.

This overture, however, was subject to a further qualification, "that should the American government accede to the proposal for terminating hostilities, the British admiral was authorized to arrange with the American government, as to the revocation of the laws, which interdict the commerce and ships of war of Great Britain from the harbors and waters of the United States; but that in default of such revocation within the reasonable period to be agreed upon, the orders in council would be revived."† The American government, at once, expressed a disposition to embrace the general proposition for a cessation of hostilities, with a view to negociation; declared that no peace could be durable, unless the essential object of impressment was adjusted: and offered, as the basis of the adjustment, to prohibit the employment of British subjects in the naval or commercial service of the United States; but adhering to its determination of obtaining a relief from actual sufferance, the suspension of the practice of impressment pending the proposed armistice, was deemed a necessary consequence; for "it could not be presumed, while the parties were engaged in a negociation to adjust amicably this important difference, that the United States would admit the right, or acquiesce in the practice, of the opposite party; or that Great Britain would be unwilling to restrain her cruizers from a practice, which would have the strongest effect to defeat the negociation."‡ So just, so reasonable, so indispensable, a preliminary, without which the citizens of the United States, navigating the high seas, would not be placed, by the armistice, on an equal footing with the subjects of Great Britain, admiral Warren was not authorized to accept; and the effort at an amicable adjustment, through that channel, was necessarily abortive.

But long before the overture of the British admiral was made, (a few days, indeed, after the declaration of war,) the reluctance with which the United States had resorted to arms, was manifested by the steps taken to arrest the progress

of hostilities, and to hasten a restoration of peace. On the 26th of June, 1812, the American charge d'affaires, at London was instructed to make the proposal of an armistice to the British government, which might lead to an adjustment of all differences, on the single condition, in the event of the orders in council being repealed, that instructions should be issued, suspending the practice of impressment during the armistice.—This proposal was soon followed by another, admitting, instead of positive instructions, an informal understanding between the two governments on the subject.‖ But both of these proposals were unhappily rejected.§ And when a third, which seemed to leave no plea for hesitation, as it required no other preliminary, than that the American minister at London, should find in the British government, a sincere disposition to accommodate the difference, relative to impressment, on fair conditions, was evaded, it was obvious, that neither a desire of peace, nor a spirit of conciliation, influenced the councils of Great Britain.

Under these circumstances the American government had no choice, but to invigorate the war; and yet it has never lost sight of the object of all just wars, a just peace. The emperor of Russia having offered his mediation to accomplish that object, it was instantly and cordially accepted by the American government;¶ but it was peremptorily rejected by the British government. The emperor, in his benevolence, repeated his invitation: the British government again rejected it. At last, however, Great Britain, sensible of the reproach, to which such conduct would expose her throughout Europe, offered to the American government a direct negociation for peace, and the offer was promptly embraced; with perfect confidence, that the British government would be equally prompt in giving effect to its own proposal. But such was not the design or the course of that government. The American envoys were immediately appointed, and arrived at Gottenburgh, the destined

† See the letter of admiral Warren, to the secretary of state, dated at Halifax the 20th of September, 1812.

‡ See the letter of Mr. Monroe, to admiral Warren, dated the 27th of October, 1812.

‖ See the letters from the secretary of state to Mr. Russell, dated the 26th of June and 27th of July, 1812.

§ See the correspondence between Mr. Russell and lord Castlereagh, dated August and September, 1812; and Mr. Russell's letters to the secretary of state, dated Sept. 1812.

¶ See the correspondence between Mr. Monroe and Mr. Daschkoff, in March, 1813.

scene of negociation, on the 11th of April, 1814, as soon as the season admitted. The British government, though regularly informed, that no time was lost on the part of the United States, demanded the appointment of its envoys, until the actual arrival of the American envoys should be formally communicated. This pretension, however novel and inauspicious, was not permitted to obstruct the path to peace. The British government next proposed to transfer the negociation from Gottenburgh to Ghent. This change, also, notwithstanding the necessary delay, was allowed. The American envoys arriving at Ghent on the 24th of June, remained in a mortifying state of suspense and expectation for the arrival of the British envoys, until the 6th of August. And from the period of opening the negociations, to the date of the last despatch of the 31st of October, it has been seen that the whole of the diplomatic skill of the British government, has consisted in consuming time, without approaching any conclusion. The pacification of Paris had suddenly and unexpectedly placed at the disposal of the British government a great naval and military force; the pride and passions of the nation were artfully excited against the U. States; and a war of desperate and barbarous character was planned, at the very moment that the American government, finding its maritime citizens relieved, by the course of events, from actual sufferance, under the practice of impressment, had authorized its envoys to waive those stipulations upon the subject, which might otherwise have been indispensable precautions.

Hitherto the American government has shewn the justice of its cause; its respect for the rights of other nations; and its inherent love of peace. But the scenes of war will also exhibit a striking contrast, between the conduct of the U. States, and the conduct of G. Britain. The same insidious policy which taught the prince regent to describe the American government as the aggressor in the war, has induced the British government (clouding the daylight truth of the transaction) to call the atrocities of the British fleets and armies, a retaliation upon the example of the American troops in Canada. The U. States

tender a solemn appeal to the civilized w[orld] against the fabrication of such a charge; they vouch, in support of their appeal, the know[n] morals, habits, and pursuits of their people; the character of their civil and political institutions; and the whole career of their navy and their army, as humane, as it is brave. Upon what pretext did the British admiral, on the 18th of August, 1814, announce his determination, "to destroy and lay waste such towns and districts upon the coast as might be found assailable?"* It was the pretext of a request from the governor general of the Canadas, for aid to carry into effect measures of retaliation; while, in fact, the barbarous nature of the war had been deliberately settled and prescribed by the British cabinet. What could have been the foundation of such a request? The outrages, and the irregularities, which too often occur during a state of national hostilities, in violation of the laws of civilized warfare, are always to be lamented, disavowed, and repaired, by a just and honorable government; but if disavowal be made, and if reparation be offered, there is no foundation for retaliatory violence. "Whatever unauthorized irregularity may have been committed by any of the troops of the United States, the American government has been ready, upon principles of sacred and eternal obligation, to disavow, and as far as it might be practicable, to repair."† In every known instance (and they are few) the offenders have been subjected to the regular investigation of a military tribunal; and an officer, commanding a party of stragglers, who were guilty of unworthy excesses, was immediately dismissed, without the form of a trial, for not preventing those excesses. The destruction of the village of Newark, adjacent to Fort George, on the 10th of December, 1813, was long subsequent to the pillage and conflagration committed on the shores of the Chesapeake, throughout the summer of the same year; and might fairly have been alleged as a retaliation for those outrages; but, in fact, it was justified by the American commander, who ordered it, on the ground, that it became necessary to the mili-

* See admiral Cochrane's letter to Mr. Monroe, dated the 18th of August, 1814; and Mr. Monroe's answer of the 6th September, 1814.

† See the letter from the secretary at war to brigadier general M'Lure, dated the 4th of October, 1813.

tary operations at that place :‡ while the American government, as soon as it heard of the act, on the 6th of January, 1814, instructed the general commanding the northern army, "to disavow the conduct of the officer who committed it, and to transmit to governor Prevost, a copy of the order, under color of which that officer had acted.' ‖ This disavowal was accordingly communicated; and on the 10th of February, 1814, governor Prevost answered, "that it had been with great satisfaction, he had received the assurance, that the perpetration of the burning of the town of Newark, was both unauthorised by the American government, and abhorrent to every American feeling; that if any outrages had ensued the wanton and unjustifiable destruction of Newark, passing the bounds of just retaliation, they were to be attributed to the influence of irritated passions, on the part of the unfortunate sufferers by that event, which, in a state of active warfare, it has not been possible altogether to restrain; and that it was as little congenial to the disposition of his majesty's government, as it was to that of the government of the United States, deliberately to adopt any plan of policy, which had for its object the devastation of private property.§" But the disavowal of the American government was not the only expiation of the offence committed by its officer; for the British government assumed the province of redress in the indulgence of its own vengeance. A few days after the burning of Newark, the British and Indian troops crossed the Niagara, for this purpose; they surprized and seized Fort Niagara, and put its garrison to the sword; they burnt the villages of Lewistown, Manchester, Tuscarora, Buffalo, and Black Rock; slaughtering and abusing the unarmed inhabitants; until, in short, they had laid waste the whole of the Niagara frontier, levelling every house and every hut, and dispersing, beyond the means of shelter, in the extremity of the winter, the male and the female, the old and the young. Sir George Prevost himself appears to have been sated with the ruin, and the havoc, which had been thus inflicted. In his proclamation of the 12th of January, 1814, he emphatically declared, that for the burning of Newark,

‡ Gen M'Lure's letters to the secretary of war, dated Dec. 10 and 13, 1813.

‖ See the letter from the secretary at war to major general Wilkinson, dated the 26th of January, 1814.

§ See the letter of major general Wilkinson to sir George Prevost, dated the 28th of January, 1814, and the answer of sir George Prevost, on the 10th of February, 1814.

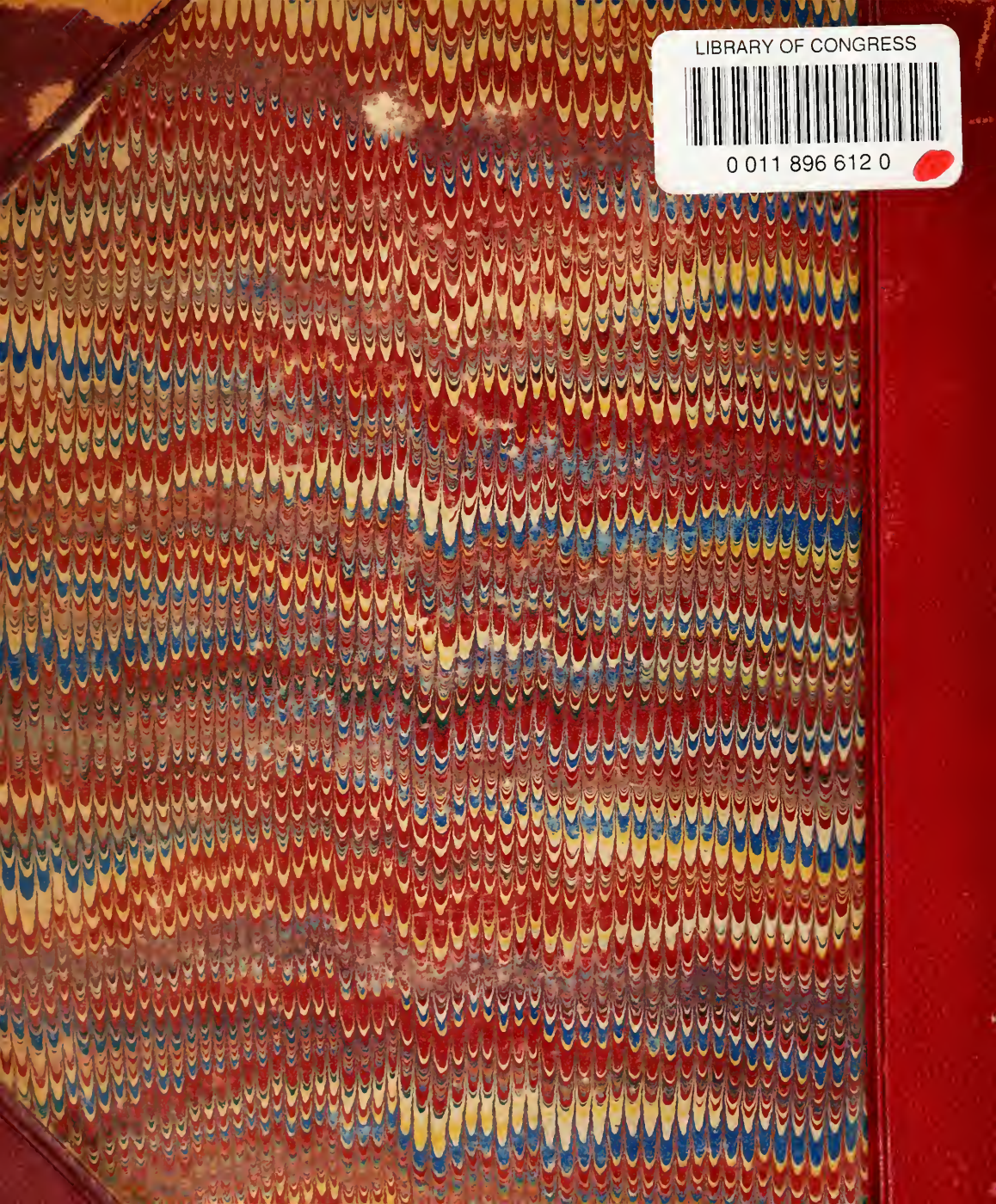
" the opportunity of punishment had occurred, and a full measure of retaliation had taken place;" and "that it was not his intention to pursue further a system of warfare, so revolting to his own feelings, and so little congenial to the British character, unless the future measures of the enemy should compel him again to resort to it."* Nay, with his answer to the American general, already mentioned, he transmitted "a copy of that proclamation, as expressive of the determination, as to his future line of conduct;" and added, "that he was happy to learn, that there was no probability, that any measures on the part of the American government would oblige him to depart from it."†— Where, then, shall we search for the foundation of the call upon the British admiral, to aid the governor of Canada in measures of retaliation? Great Britain forgot the principle of retaliation, when her orders in council were issued against the unoffending neutral, in resentment of outrages committed by her enemy; and surely, she had again forgotten the same principle, when she threatened an unceasing violation of the laws of civilized warfare, in retaliation for injuries which never existed, or which the American government had explicitly disavowed, or which had been already avenged by her own arms, in a manner and a degree, cruel and unparalleled. The American government, after all, has not hesitated to clare, that "for the reparation of injuries, of whatever nature they may be, not sanctioned by the law of nations, which the military or naval force of either power might have committed against the other, it would always be ready to enter into reciprocal arrangements; presuming that the British government would neither expect, nor propose, any which were not reciprocal."‡

(TO BE CONTINUED.)

* See sir George Prevost's proclamation, dated at Quebec, the 12th of January, 1814.

† See the letter of sir George Prevost to general Wilkinson, dated the 30th of February, 1814; and the British general orders, of the 22d of February, 1814.

‡ See Mr. Monroe's letter to admiral Cochrane, dated the 6th of September, 1814.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